

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-29888 of 2015

Date of Decision: September 4, 2015

Satish and another

.....Petitioners

Vs.

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. Bijender Dhankar, Advocate
for the petitioners.

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M.M.S. BEDI, J. (ORAL)

Having been summoned as accused in a private complaint filed by respondent No.2 alleging that petitioner No.2 had not only committed rape upon her but has also committed offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, for short 'the Act', petitioners apprehend arrest. Petitioner No.1 is the husband of maternal aunt of petitioner No.2. Petitioner No.2 has allegedly abused the complainant in the name of her caste as per the allegations in the complaint.

In view of said circumstances, petitioner No.1 can be granted the concession of pre-arrest bail. So far as petitioner No.2 is concerned, he is not entitled for grant of pre-arrest bail in view of provisions of Section 18 of the Act as prima facie offence under Section 3 of the Act is made out against him.

Petition is allowed qua petitioner No.1 Satish and it is ordered that in case petitioner No.1 Satish puts in appearance before the summoning Court within a period of seven days after the receipt of a certified copy of the order or on the next date fixed before the summoning Court, whichever is later, he will be released on interim bail to the satisfaction of the summoning Court subject to the condition that he will continue to appear before the trial Court and will not make any attempt to tamper with the evidence or threaten the witnesses.

Petition qua petitioner No.2 is hereby dismissed without prejudice to his rights to appear before the Court and seek relief in accordance with law.

September 4, 2015
sanjay

(M.M.S.BEDI)
JUDGE