

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M No. 30080 of 2015 (O&M)

Date of decision : October 01, 2015

Parminder Singh and others,

..... Petitioners

v.

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. PK Ganga, Advocate
for the petitioners.

Mr. APS Gill, AAG Punjab

1. **Whether Reporters of Local Newspapers may be allowed to see the judgment ?**
2. **To be referred to the Reporters or not ?**
3. **Whether the judgment should be reported in the Digest ?**

Ajay Tewari, J (Oral)

CRM No.31925 of 2015

This is an application for adding Sections 295/354 of the IPC in the head note as well as in the prayer clause of the main petition. It is averred that three months after recording of the FIR, Sections 295/354 of the IPC and Section 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act were added. However, since no copy of the order was given, the petitioner could not mention Sections 295/354 of the IPC in the main petition.

For the reasons recorded, this application is allowed and

Sections 295/354 of the IPC be read in the head note as well as in the prayer clause of the main petition.

CRM-M No.30080 of 2015

The petitioners seek grant of anticipatory bail in case FIR No.68, dated 20.3.2015, registered under Sections 353, 186, 506, 295, 354 of the IPC and Section 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, at Police Station Jandiala Guru, District Amritsar.

Counsel for the petitioners has argued that as per the allegations in the FIR, the incident took place at 6 pm and information was received by the Recording Officer at 6.30 pm but the FIR was lodged only at 7.55 pm and in these circumstances, omission to add the Sections renders the whole exercise as very suspicious.

Learned AAG Punjab states that the subsequent statement made by SI Jaswinder Kaur and other police officials revealed that these Sections were also to be invoked. He has read the statement. In that statement, it has been mentioned that during the altercation 15-16 more persons appeared in two cars and that is how the petitioners were able to escape.

I asked counsel for the respondent as to what action was taken to apprehend the persons who had created ruckus at a police naka, he has argued that no action could be taken because of the number of persons. He has further argued that since Section 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been invoked against the petitioners, anticipatory bail cannot be granted.

Counsel for the petitioners, on the other hand, has argued that

even the statement of SI Jaswinder Singh shows huge improvements. As per him, it is inconceivable that even the numbers of those two cars which allegedly arrived are not known to the police or that the police would just let the culprits go without even making an attempt to apprehend them. He has argued that even though in normal circumstances, anticipatory bail is barred for an offence under Section 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act yet in the present case where these Sections were invoked three months after the registration of the original FIR, it would be in the interest of justice to grant anticipatory bail to the petitioners.

Without commenting upon the merits of the case and in view of the facts mentioned above, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioners. Resultantly, this petition is allowed and it is directed that in the event of their arrest, the petitioners shall be released on anticipatory bail by the Investigating Officer to his satisfaction subject to the compliance of the provisions as contained in Section 438(2) of the Cr.P.C.

October 01, 2015
`kk'

(AJAY TEWARI)
JUDGE