

201

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-30117 of 2015

Date of decision: November 28, 2015

Balwan Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Rajbir Sehrawat, Advocate
for the petitioner.

Ms. Mahima, AAG Haryana.

Mr. Rahul Dahiya, Advocate
for respondent No.2.

SABINA, J

Petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in criminal complaint No.6308/443 titled as "Prem Lata versus Balwan Singh", under Sections 3(X) (XI) and 4 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

While issuing notice of motion, following order was passed by this Court on 07.09.2015:-

"Present petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner on the ground that petitioner is working as Headmaster in Government High School. Respondent No.2-Prem Lata working as Peon in Government High School, Mehlana, where the petitioner was earlier posted as Headmaster.

Complaint was filed by Prem Lata for the commission of offence under Sections 3(x), 3(xi) and Section 4 of the Schedule Castes & Scheduled Tribes

(Prevention of Atrocities) Act, 1989 (for brevity 'The SC&ST Act') and petitioner was summoned, vide summoning order dated 02.05.2015.

Learned counsel for the petitioner urged that Director, National Human Rights Commission has also reported that the allegations levelled by complainant Prem Lata against present petitioner and the same were found to be false and motivated and the same were at the instance of Neelam Sandhu and Neelam Kumar. More so, there are no allegation in the complaint that petitioner has called the complaint with her caste name with an intention to humiliate her and merely calling a person by caste would not attract the provisions of 'The SC&ST Act'.

Notice of motion be issued to the respondents for 12.10.2015.

Meanwhile, the petitioner is directed to appear/surrender before the Illqua Magistrate, within a period of two week from today. On doing so, he would be released on interim bail by the Illaqa Magistrate, subject to usual terms and conditions."

Learned counsel for the petitioner has submitted that in pursuance to the above order, petitioner has surrendered before the Illaqa Magistrate and has furnished the necessary bail bonds.

Accordingly, the interim bail furnished by the petitioner, before the Illaqa Magistrate, in pursuance to the order dated 07.09.2015 passed by this Court, is made absolute.

Petition stands disposed of accordingly.

**(SABINA)
JUDGE**

November 28, 2015
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