

THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

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CRM-M-3222 of 2015
Decided on : 06.02.2015*Nand Lal and others**... Petitioners**Versus**State of Punjab**... Respondent*

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present : Mr.Abhinav Oberoi, Advocate
for the petitioners.
Ms.Amarjit Kaur Khurana, Addl.AG, Punjab

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

Ajay Tewari, J. (Oral)

This petition has been filed for grant of anticipatory bail to the petitioners in case FIR No.4 dated 17.01.2015, registered under Sections 3(1) (10) of the Schedule Castes and the Schedule Tribes (Prevention of Atrocities) Act, 1989, at Police Station Banur, District Patiala.

As per the FIR, the petitioners used caste based words against the complainant.

Learned counsel for the petitioners has argued that originally, when the complaint was lodged by the complainant to the Senior Superintendent of Police, Patiala he entrusted the matter to the DSP, City 2, Patiala. The matter was investigated by the Deputy Superintendent of Police City 2, Patiala and found that the allegations levelled against the petitioner were false. Thereafter, on the representation made by the complainant, SIT was also formed and the

SIT also found that the allegations against the petitioners were false. Thereafter, complainant moved a representation before the Punjab Human Rights Commission and the matter was inquired and the petitioners were again found innocent. The complainant did not stop here, he again filed a complaint against the petitioner with false allegations before S.C. Commission, Room No.8, Forth Floor, Civil Secretariat, Chandigarh, in which the petitioners were found innocent. The complainant did not stop here and filed the complainant before the National Human Rights Commission (Law Divn), Manav Adhikar Bhawan, Block-C, GPO Complex INA New Delhi on 15.12.2014. Pursuant to that complaint, National Human Rights Commission without perusing the record with regard to the inquiry reports of the various authorities and report of Punjab Human Rights Commission, issued a direction to the police to register an FIR against the petitioner without giving an opportunity of hearing to the petitioners.

Pursuant to lodging the FIR against them, the petitioners moved an application before the National Human Rights Commission on 21.01.2015, apprising about the facts that the complainant had not come before it with clean hands and also annexed all the inquiry reports but no communication from the National Rights Human Commission has been received by the petitioners till date and no decision has been taken thereon by the commission. Therefore, the petitioners be released on anticipatory bail notwithstanding the provisions of Section 18 of the Act.

In the facts and circumstances of the present case, in my considered opinion that though the Hon'ble Supreme Court in case

Vilas Pandurang Pawar and another Vs. State of Maharashtra and

others, AIR 2012 SC 3316, has categorically curtailed the powers to grant anticipatory bail, yet a perusal of the FIR does reveal that it was not disclosed to the National Human Rights Commission that three inquiries had taken place wherein petitioners were found innocent.

In these circumstances, the limited prayer of the learned counsel for the petitioners cannot be termed to be unreasonable. Consequently, petitioners are directed to join the investigation and apprise the Investigating Officer in terms of Section 438(2) Cr.P.C. The petitioners would also apprise the Investigating Officer about the progress of their application submitted before the National Human Rights Commission. They be released on anticipatory bail to the satisfaction of the Investigating Officer subject to the order of the National Human Rights Commission on the application moved by them for recalling their order.

Petition stands disposed of.

[Ajay Tewari]
Judge

06.02.2015
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