

CRM-M-36058-2014 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CRM-M-36058-2014 (O&M).
Decided on: January 16, 2015.**

Surinder Kumar and another

..... Petitioner(s)

Versus

State of Punjab and another

..... Respondent(s)

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

**PRESENT Mr.Ritesh Pandey, Advocate,
for the petitioners.**

Mr.J.S.Brar, AAG., Punjab.

**Mr.N.K.Vadehra, Advocate,
for respondent No.2.**

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

Petitioners seek concession of pre-arrest bail in a private complaint.

On the direction of this Court they have put in appearance before the trial Court and have been released on interim bail.

Counsel for the complainant has intervened to oppose the application for the grant of pre-arrest bail contending that there are serious allegations under Section 3 (x) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act').

Counsel for the complainant has relied upon

Section 18 of the Act and cited judgments **Shakuntla Devi Vs. Baljinder Singh, 2013 (2) RCR (Crl.) 882 and Bachu Das Vs. State of Bihar and others, 2014 (1) RCR (Crl.) 975**, wherein the orders passed by the High Court granting anticipatory bail have been set aside.

I have carefully gone through the judgments cited by the counsel for the complainant and noted the contents and ratio of the said judgments. It is pertinent to mention here that the provisions of Section 18 of the Act do not absolutely bar the grant of bail. In **Bachu Das's case (supra)**, though the order passed by the High Court granting anticipatory bail was set aside but at the same time Hon'ble the Apex Court had issued a direction giving four months time to the accused to surrender before the appropriate Court and seek bail.

Following the said observations of Hon'ble the Apex Court, I am of the opinion that the petitioners having been summoned in a private complaint were directed to first appear before the Court and seek concession of bail. They have been granted the concession of bail in view of the peculiar facts and circumstances of this case. Even if judgment in **Bachu Das's case (supra)** is followed and the relief akin to what has been granted to the accused in said case is provided ultimately the accused will have to surrender before the Court to seek regular bail.

Even otherwise, the complaint has been filed by an

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employee of Raj Karan whose father had entered into an agreement of sale dated 30.4.2010, and there being a property dispute as per the averments in the complaint, it will be premature to express an opinion regarding the authenticity and truthfulness of the version given in the complaint.

Since the petitioners have been summoned in a private complaint and have already put in appearance before the summoning Court, no useful purpose will be served by sending the petitioners behind bars.

The petition is allowed. Interim order dated 17.10.2014, is hereby made absolute. It is ordered that the petitioners will continue to appear before the trial Court against the bail bonds already furnished and will not, in any manner, delay the proceedings by absenting themselves without any sufficient cause.

January 16, 2015.
rka

(M.M.S. BEDI)
JUDGE