

CRM-M-39085-2014 (O&M)

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

CRM-M-39085-2014 (O&M)

Date of Decision: January 27, 2015

Baljit Singh and another

.....Petitioners

Versus

Jyoti and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Vipin Mahajan, Advocate
for the petitioners.

None for respondent No.1.

Mr.Shilesh Gupta, Additional Advocate General,
Punjab, for respondent No.2.

.....

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438 read with Section 482, Cr.P.C., is for grant of anticipatory bail to the petitioners, namely, Baljit Singh and Harbans Lal, who have been summoned to face trial for the offences punishable under Sections 148, 323, 354, 427, 452 and 506 read with Section 149, IPC, and Sections 3(i) and 3 (xi) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for brevity 'the SC&ST Act').

Learned counsel, inter alia, contends that petitioner No.2-Harbans Lal is the real uncle of the complainant and he too belongs to the same caste which the complainant belongs to and,

as such, the provisions of SC&ST Act are not applicable qua him.

In spite of service no one has put in appearance for respondent No.1.

I have heard the learned counsel for the petitioners as well as the learned counsel for the State.

Petitioner No.2-Harbans Lal is stated to be real uncle of the complainant (respondent No.1) and, as such, it would be debatable as to whether Sections 3(i) and 3(xi) of the SC&ST Act would be applicable in the present case.

Keeping in view the totality of the facts and circumstances of the case, present petition is allowed. On appearance of the petitioners before the learned Summoning Court within seven days of passing of this order, they shall be admitted to bail subject to their furnishing bail bonds to its satisfaction.

They shall continue to appear before the Summoning Court/trial Court on each and every date of hearing unless ordered otherwise.

January 27, 2015
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(NARESH KUMAR SANGHI)
JUDGE