

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

Criminal Misc. No.M-4228 of 2015

Date of Decision: 09 July, 2015

Nihal Singh & Anr.

...Petitioners

Versus

State of Punjab & Anr.

...Respondents

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.L.S.Mann,Advocate,
for the petitioners.

Mr.Piyush Bansal, DAG, Punjab.

Mr.Jasjit Singh, Advocate,
for respondent No.2/complainant.

Naresh Kumar Sanghi, J.(Oral)

Prayer in this petition, filed under Section 438, Cr.P.C., is for grant of anticipatory bail to the petitioners, namely, Nihal Singh and Ninder, both residents of Purewal Colony, Tehsil Nakodar, District Jalandhar, who have been summoned to face trial for the offences punishable under Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 by learned Sub-Divisional Judicial Magistrate, Nakodar, in Criminal Complaint No.229/2 titled as "*Sunita Rani vs. Ninder and others.*"

Learned counsel submits that respondent No.2/complainant has alleged that the petitioners and their co-accused

jointly had uttered derogatory remarks against her. He further submits that the said version cannot be given any credence, inasmuch as after thorough investigation the allegations levelled by respondent No.2/complainant, Sunita Rani, were found to be false by the police and it was held that the matter was reported with a motive to counter the complaint filed by Surjit Kaur, a co-accused of the petitioners. It has also been contended that Surjit Kaur has been extended the benefit of anticipatory bail by this Court vide order dated 13.02.2015. He further contends that after grant of interim bail by this Court, the petitioners were regularly appearing before the court below and did not misuse the concession of interim bail.

Learned counsel for respondent No.2/complainant has not controverted the fact that the petitioners are appearing before the learned court below. However, he submits that in view of the conduct of the petitioners, they should not be granted anticipatory bail.

Learned counsel for the State is not in a position to deny the fact that the petitioners are appearing before the court below on each and every date of hearing.

In view of the above discussion, the present petition is allowed. The interim directions issued by this Court vide order dated 13.02.2015 are made absolute.

The petitioners shall continue to appear before learned

trial court on each date of hearing unless ordered otherwise.

They would follow all the conditions as laid down under Section 438(2), Cr.P.C.

July 09, 2015
seema

(Naresh Kumar Sanghi)
Judge