

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-7849 of 2015 (O&M)

Date of decision : August 11, 2015

Kashmir Singh @ Gotti and others

....Petitioners

versus

State of Punjab and others

....Respondents

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. SS Grewal, Advocate, for the petitioner
Mr. MS Uppal, Advocate, for respondent nos. 2 to 4

Fateh Deep Singh, J. (Oral)

CRM-14295 of 2015

Amended memo of parties is taken on record.

Crl. Misc. application stands disposed of.

Criminal Misc. No. M-7849 of 2015

It is contended that the petitioners have since appeared before the trial court which is not refuted by counsel for respondents no. 2 to 4. However, he has opposed the grant of bail citing Shakuntla Devi vs Baljinder Singh, 2013 (2) RCR (Crl.) 882 that provisions of section 438 Cr.P.C. are not applicable under the SC & ST (Prevention of Atrocities), Act, 1989.

Keeping in view the extra ordinary circumstances and the fact that it is a complaint case and culpability, if any, shall be decided at the time of trial, the present petition is allowed and interim order dated 12.3.2015 is affirmed.

August 11, 2015

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**(Fateh Deep Singh)
Judge**

