

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

(232)

**CRM-M-8493-2014 (O&M)
Decided on: December 10, 2015.**

Gurmail Singh

.... Petitioner

Versus

State of Punjab and another

..... Respondents

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

Present: Mr. Mohd. Yousaf, Advocate, for the petitioner.

Mr. A.S. Kaler, DAG, Punjab.

Mr. Rajesh Pal, Advocate, for respondent No.2.

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

Petitioner is facing trial in a case under Section 3 (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Sections 294, 427, 506 and 34 IPC registered at Police Station Sohana, District S.A.S. Nagar alleging that the petitioner has abused the complainant in the name of his caste besides criminally intimidating complainant Balbir Singh.

There are allegation against the petitioner that he had committed mischief of causing wrongful loss to the property of Balbir Singh.

Learned counsel for the petitioner has inter alia contended that the ingredients of Section 3 (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are not made out as the complainant has not relied upon any document indicating that he belongs to category of

scheduled caste and that it is not even the allegation that the above said fact was in the knowledge of the petitioner or that the act of the petitioner has been committed in the presence of any person. While making an attempt to appreciate the contentions of learned counsel for the petitioner, it transpires that the trial has reached the stage of recording of statement of accused under Section 313 Cr.P.C.

In view of said circumstances, it will not be appropriate for this Court to assume functioning of the trial Court and enter into the niceties of the trial to appreciate the allegations in the FIR and appreciate the evidence, lest it should prejudice the right of the complainant or the petitioner. Without expression of any opinion on the merits of the case and in view of the fact that the trial is pending for defence evidence, I dispose of this petition with a direction to the trial Court to conclude the trial within a period of three months after the next date of hearing with liberty to the petitioner to raise all the pleas in this petition to seek acquittal on the benefit of doubt. All the pleas raised by the petitioner would be carefully considered while determining the culpability, if any.

(M.M.S. BEDI)
JUDGE

December 10, 2015
harsha