

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.9759 of 2015

Date of Decision:-18.09.2015

Mandeep Singh @ Sipa.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Gopal Singh Nahel, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, DAG Punjab.

Mr. Piyush Khanna, Advocate for the complainant.

JASWANT SINGH, J.(ORAL)

Prayer is for grant of anticipatory bail under Section 438 Cr.PC to the petitioner-Mandeep Singh @ Sipa in case FIR No.84 dated 13.11.2014 for offences punishable under Sections 354, 354-A and 120-B of Indian Penal Code and later on added offence under Sections 3, 4 & 5 of the Prevention of Atrocities on Schedule Caste and Schedule Tribe Act registered with Police Station Bhadson, District Patiala.

As per allegations, the petitioner on 11.10.2014 at 11.30 AM and subsequently on 19.10.2014 at 5.00 PM had entered the house of the complainant Harminder Kaur and caught hold of her breast from behind thus committing the offence of outraging the modesty. It is also alleged that

he had made a comment regarding the caste of the complainant and, therefore, the offence under the SC & ST Act were also added later on.

Learned Counsel for the petitioner states that his client is a juvenile and was granted bail, however, on the subsequent adding of the offences under the SC & ST Act present prayer has been made. He submits that from the bare reading the offence under the SC & ST Act is not made out as inter alia no averment was made in public view.

Learned Counsel for the complainant states that as per Section 3(11) even the outraging of the modesty of a girl of the said community amounts to an offence qua which the Bar under Section 18 of the SC & ST Act is applicable.

After hearing learned Counsel for the parties, it is highly debatable at this stage that whether the offence itself from the bare reading of the FIR is made out.

Be that as it may, without commencing on the merits of the case, interim bail/protection granted vide order dated 26.03.2015 is hereby made absolute.

Petition stands dispose of.

(JASWANT SINGH)
JUDGE

September 18, 2015
Vinay