

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-11741 of 2016 (O&M)
Date of Decision: 05.04.2016

Khushdeep Singh

--Petitioner

Versus

State of Punjab & another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. J.S. Khiva, Advocate for the petitioner.

TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 438 Cr.P.C seeking the concession of anticipatory bail to the petitioner in criminal complaint no.09 dated 2.4.2013 titled as Balvir Singh Vs. Bhajan Singh & others under sections 323, 342, 34 I.P.C and sections 3 & 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and in which the petitioner has been summoned to face trial under section 323 I.P.C and sections 3(i)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Counsel for the petitioner has been heard at length and the pleadings on record have been perused.

Perusal of the complaint at Annexure P-1 would reveal that derogatory words reflecting upon the caste of the complainant have been attributed specifically to the present petitioner and that too in public view. It is not the case made out on behalf of the petitioner that the complainant's version even if it is taken at face value, no offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, has been made out.

There is a specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, whereby when an offence is registered against a person under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, no court is to entertain an application for anticipatory bail unless it is prima facie found that such an offence is not made out.

The application seeking pre-arrest bail moved by the petitioner under Section 438 Cr.P.C has been declined by learned Sessions Judge, Mansa vide order dated 23.3.2016 in the light of the specific bar contained under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The same would not call for any intervention.

Petition, accordingly, is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

05.04.2016

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