

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

CRM M-12875 of 2016

Date of Decision: April 12, 2016

Kuldeep Attri

.....Petitioner

Vs.

State of Haryana

.....Respondent

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

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Present:- Mr.Arvind Singh, Advocate
for the petitioner.

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

Petitioner has approached this Court for grant of pre-arrest bail in a criminal case registered under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, for short 'the Act'.

Learned counsel for the petitioner has tried to explain that in view of provisions of Section 18 of the Act, the grant of pre-arrest bail is barred, of-course subject to certain exceptions i.e. where prima facie no offence is made out under the Act or there are patent malafides of the complainant against the petitioner. Counsel for the petitioner has also contended that the complaint is a counter-blast to FIR annexure P-3 which

has been registered by SDO, Sub Division No.2, DHBVNL against the complainant. Counsel for the petitioner has placed reliance on few judgments of this Court and Supreme Court wherein relief of pre-arrest bail has been granted in cases under the Act when prima facie culpability of the accused was debatable.

I have considered the contentions of learned counsel for the petitioner and I am of the opinion that the propriety demands that the petitioner should first approach the Sessions Court with all the pleas.

This petition is disposed of relegating the petitioner to avail the alternative remedy by approaching the Sessions Court. However, arrest of the petitioner, in view of the circumstances mentioned by counsel for the petitioner, shall be kept in abeyance for two weeks i.e. till April 27, 2016.

April 12, 2016
sanjay

(M.M.S.BEDI)
JUDGE