

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

CRM-M-12976-2016 (O&M)

Date of decision : 08.09.2016

Aakash Kapur and another

...Petitioners

Versus

U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Arun Bansal, Advocate for the petitioners.

Mr. A.S. Gill, Addl.P.P., Chandigarh,
assisted by ASI Kulwinder Singh.

JITENDRA CHAUHAN, J. (Oral)

The petitioners seek pre-arrest bail in case FIR No.197 dated 03.06.2015, registered under Section 306 of the Indian Penal Code and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Sector 36, Chandigarh.

Heard.

On 12.04.2016, the following order was passed:-

“While petitioners are facing trial for offence under Section 306 IPC, an application appears to have been filed by the prosecution agency for permission for presentation of supplementary challan raising a fresh apprehension to be arrested in the added offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

The application for pre-arrest bail has been dismissed taking shelter of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. The involvement of the petitioners pending trial in a

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I attest to the accuracy and
authenticity of this document
Chandigarh

case in which FIR was registered in June 2015, prima facie, appears to be misuse of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act by an afterthought with an objective to defeat the liberty of the petitioners.

Notice to the Standing Counsel for U.T. Chandigarh, for 21.7.2016.

Meanwhile, an interim direction is issued that in case the petitioners are required to be arrested in the added offences including any offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the petitioners will be released on interim bail to the satisfaction of the trial Court.”

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioners have joined the investigation and they are not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 12.04.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

08.09.2016
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No