

CRM-M No.13854 of 2016 (O&M)

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

CRM-M No.13854 of 2016 (O&M)

Date of Decision : 24.10.2016

Harmail Singh and others

..... Petitioners

Versus

Gurdarshan Singh

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sukhdeep Parmar, Advocate
for the petitioners.

None for the respondent.

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioners under Section 438 Cr.P.C. in complaint case No.COMI/39/2015 dated 09.03.2015 registered under Sections 3 and 4 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities Act) pending in the Court of Judicial Magistrate 1st Class Nabha, District Patiala.

On 26.04.2016 the following order was passed:-

“Petitioners apprehend arrest in a private complaint filed by the complainant-respondent under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Learned counsel for the petitioners submits that petitioners No. 1 and 3 had filed a complaint against complainant Gurdarshan Singh alleging that the complainant along with others had dug the remains of children from burial ground. Copy of the complaint has been placed on record as Annexure P-3.

Notice to the respondent for 12.08.2016.

Meanwhile, an interim direction is issued that in case, the petitioners put in appearance before the trial Court, they will be released on interim bail to the satisfaction of the said Court.”

Thereafter on 12.08.2016 the following order was passed :-

“Service is complete.

Adjourned to 24.10.2016, to await appearance.”

Even today none has appeared on behalf of the respondent to oppose the bail application.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioners.

Resultantly, the petition is allowed. The interim order dated

26.04.2016 is made absolute subject to the conditions envisaged under

Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

24.10.2016

pooja sharma-I

**(AJAY TEWARI)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable :

Yes/No