

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

CRM-M -14446 of 2016 (O&M)

Date of decision: 05.09.2016

Charan Dass and others

...Petitioners

Versus

Manna Ram and another

...Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Abhinav Gupta, Advocate
for the petitioners.

Mr. Harsimrat Rai, DAG, Punjab.

Mr. R.K. Shukla, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail in a complaint case bearing No.11, dated 28.10.2015, registered under Sections 323, 506 read with Section 34 IPC and Section 3(1) (iii) (x) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989.

On 23.05.2016, this Court had passed the following order:-

“As per office report, complainant stands duly served. He is represented through Mr. R.K. Shukla, Advocate.

During the course of arguments today, learned counsel appearing for the petitioners has raised a two fold submission in support of his assertion that it is a case of false implication.

In the first instance, it is submitted that there is a delay of 10 days in lodging the complaint and such delay has gone totally unexplained. Secondly, counsel would contend that the complainant-Manna Ram is habitual of filing complaints of the same nature. In this regard, counsel has adverted to a judgment of acquittal dated 06.10.2010 passed by the learned Judge, Special Court, Patiala, whereby the accused party i.e. Sant Ram, Lalita and Ravi Kumar Yadav stand acquitted in a complaint lodged by Manna Ram and in which similar allegations had been levelled. In this very judgment, it has also been noticed that in the cross-examination of Manna Ram, he had admitted that earlier in point of time, he had also filed a similar complaint against one Radhey Sham and Roshni and which complaint had thereafter been withdrawn.

Counsel would contend that under such circumstances, the bar envisaged under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 would not apply.

Counsel appearing for the complainant has not been able to rebut the contentions and submissions raised by counsel for the petitioner and rather prays for time to complete instructions in the matter.

List for further consideration on 05.09.2016.

In the meantime, it is directed that in case the petitioners appear before the trial Court on the date already fixed i.e. 14.06.2016, they would be entitled to ad interim bail subject to satisfaction of the trial Court.”

It is contended that in pursuance of the order dated 23.05.2016, the petitioners have appeared before the trial Court and have furnished bail/surety bonds.

The learned State counsel does not controvert the above said fact.

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 23.05.2016, is made absolute.

The petition stands allowed.

05.09.2016
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No