

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

**CRM No.M-1655 of 2016 (O&M)
Date of decision : 01.04.2016**

Rajinder Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

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

Present: Mr. Amardeep Singh Mann, Advocate for the petitioner.

Mr. D.S. Virk, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in Complaint Case No.252 dated 22.12.2011, registered under Section 323/506 IPC and Sections 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, District Mansa.

While issuing notice of motion on 22.01.2016, the following order was passed by this Court:

“Counsel would contend that the allegations are clearly ill motivated as would be apparent from the complaint dated 8.12.2011 (Annexure P-1) which in itself would show that the complainant was aggrieved on account of certain money transactions and had alleged that main accused i.e. Basant Singh had duped him of Rs.6,50,000/-. It is further submitted that the prohibition contained in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act qua the present petitioner would not apply as the complainant in the complaint had not stated that he belongs to a Scheduled caste and that the petitioner/accused was aware of such fact. It has also been contended that main accused Basant Singh has already been

granted ad interim protection as regards arrest by this Court in the light of order dated 4.9.2015, passed in CRM No. M-29876 of 2015.

Notice of motion, returnable for 1.4.2016.

In the meantime, it is directed that, if, the petitioner duly appears before the Trial Court on the date already fixed i.e. 29.1.2016, he would be entitled to ad interim protection as regards arrest subject to satisfaction of the Trial Court.”

Counsel appearing for the petitioner has produced in Court today, the certified copy of the order dated 29.01.2016 passed by Judicial Magistrate Ist Class, Mansa and wherefrom it is clear that the petitioner appeared before the Court and was admitted to interim bail on furnishing requisite bail bonds and surety bonds.

As per office report, complainant/respondent No.2 has been duly served. However, no representation has been caused on his behalf to oppose the present petition. The petitioner, having already joined the trial proceedings, is held entitled to the concession of anticipatory bail.

Accordingly, petition is allowed. Order dated 22.01.2016 passed by this Court is made absolute.

It is, however, clarified that the observations contained in the order dated 22.01.2016 shall not be taken as an expression of opinion of this Court on the merits of this case.

Disposed of.

01.04.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**