

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

Sr. No.202

CRM No.M-31170 of 2016

DECIDED ON: October 25, 2016

SURESH KUMAR KAUSHIK

..PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. H.N. Sahu, Advocate,
for the petitioner.

Mr. P.S. Paul, DAG, Punjab.

JASPAL SINGH, J. (ORAL)

By virtue of instant petition preferred under Section 438 read with Section 482 Cr.P.C., petitioner-Suresh Kumar Kaushik has sought pre-arrest feeling apprehension of his arrest in case FIR No. 142, dated May 30, 2016 under Section 3 (x) The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 and under Section 294 IPC, 1860, registered at Police Station Sohana, District SAS Nagar, Mohali during the pendency of trial.

At the time of issuance of notice of motion on September 05, 2016, following order was passed:

“Inter-alia, it has been contended by learned counsel for the petitioner that offence under Section 3 (x) Scheduled Cast & Schedule Tribes Act, 1989 (for short 'Act') is not made out. While referring the FIR, it has been submitted by learned counsel for the petitioner that even the District Attorney, SAS Nagar (Mohali) has also opined that no offence under Section 3 (x) of the Act is made

out and only an offence under Section 294 of IPC is made out against the petitioner. Similar statement has been suffered by ASI Paramjeet Singh before the learned Additional Sessions Judge, SAS Nagar (Mohali) that only offence under Section 294 of IPC is made out against the petitioner. But the pre-arrest bail has been declined to the petitioner just there being a bar under Section 18 of the Act.

Notice of motion for 25.10.2016.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on interim bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.”

On instructions from ASI Balbir Singh, Learned State counsel has submitted that petitioner has already joined the investigation before the trial Court and he is no more required for further interrogation.

Accordingly, order dated September 05, 2016 is made absolute and shall enure during the pendency of trial.

However, petitioner shall abide by all the terms and conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

October 25, 2016

Avin/Ankur

**(JASPAL SINGH)
JUDGE**

Whether Speaking/Reasoned

Yes/No

Whether Reportable

Yes/No