

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

CRM-M- 33894 of 2016 (O&M)

Date of decision: 06.12.2016

Deepak Sharma @ Rinku

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vishal Deep Goyal, Advocate for the petitioner.

Mr. Deepkaran Dalal, Advocate
for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.73 dated 19.04.2016, registered under Sections 336, 506, 148 read with Section 149 of IPC, Section 25 of Arms Act, 1959 and Section 3/4 of the Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act'), at Police Station Phillaur, District Jalandhar Rural.

It is contended that the FIR in question was registered on the complaint moved by the complainant on 19.04.2016, under Sections 336, 506, 148 read with Section 149 of IPC and Section 25 of Arms Act. The petitioner was admitted to bail, vide order dated 29.04.2016 (Annexure P2) which was confirmed by the competent Court on 07.06.2016 (Annexure P-3). On the complaint made by the complainant, the matter

was enquired into by the team of officials headed by an IPS officer who opined that no offence under the SC/ST Act was made out. However, on the representation moved by the complainant before the Director National Commission for Scheduled Caste, Chandigarh and on his recommendation, the offences under SC/ST Act were added. It is contended that petitioner never intended to disrespect the complainant due to his being a member of the scheduled caste.

On the other hand, the counsel for the complainant submits that the petitioner along with others with an intention to harm and humiliate the complainant fired at him. The empty was recovered which was handed over to the police. The enquiry was conducted only to shield the petitioner as the act of the petitioner itself constitutes an offence under SC/ST Act. The learned counsel also refers to Section 3(10) of the SC/ST Act to contend that prima facie offence under the SC/ST Act is made out against the petitioner.

Heard.

Keeping in view the specific allegations against the petitioner and the bar under Section 18 of the SC/ST Act, no case for anticipatory bail is made out.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

06.12.2016

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No