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

CRM-M-38561 of 2016 (O&M)

Date of decision: October 27, 2016

Deepak and another

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Navneet Singh, Advocate for the petitioners.

Ms. Tanushree Gupta, DAG Haryana.

A.B. CHAUDHARI, J (Oral)

Notice of motion.

At the asking of the Court, Ms. Tanushree Gupta, DAG
Haryana accepts notice on behalf of the State.

Rule. Heard forthwith.

This is a petition for grant of anticipatory bail to the petitioners for offences under Sections 323, 427, 452, 506, 34 of Indian Penal Code, 1860 (for short 'IPC') and particularly under Section 3(1)(xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Act'). It is not in dispute that after the registration of the FIR under Sections 323, 427, 452, 506, 34 IPC, the petitioners were released on regular bail. It is not also in dispute that thereafter, application under Section 173(8) of Code of Criminal Procedure, 1973 for further investigation was made which was allowed and as a result, Section 3(1)(xi) of the Act was

added. The said offence is non-bailable and acting on the prohibition contained in Section 18 of the said Act, the trial Court rejected the plea for anticipatory bail.

I have perused the FIR to find out the nature of allegation qua Section 3(1)(xi) of the Act. From the perusal of the entire FIR, I find that prima-facie, Section 3(1)(xi) of the Act is not attracted as the averments in the FIR show that there was the quarrel amongst both the parties which had ensued. But it does not show any mens-rea qua Section 3(1)(xi) of the Act. Having been satisfied, prima-facie that the petitioners should be extended the relief of anticipatory bail, I make the following order:-

ORDER

- (i) In the event of arrest, petitioners shall be released on anticipatory bail on their furnishing bail bonds amounting to ₹10,000/- with one surety of like amount, subject to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.
- (ii) Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

October 27, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No