IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-45389 of 2016.
Decided on:-20.12.2016.

Kapil Joshi.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Pardeep Bajaj, Advocate
for the petitioner.

HARI PAL VERMA, J. (ORAL)

Prayer in this petition filed under Section 482 Cr.PC is for quashing the complaint bearing No.326/16 dated 11.5.16 titled as "Bhikaha Versus Kapil Joshi and unknown" (Annexure P-1) pending in the Court of learned Judicial Magistrate 1st Class, Ludhiana, and summoning order dated 20.10.2016 (Annexure P-2) and all consequential proceedings arising out of the same.

Learned counsel for the petitioner states that no offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, the SC/ST Act) is made out against the petitioner. He refers to para 7 of the complaint to stage that there is no allegation in the complaint in this regard.

Notice of motion to respondent No.1 only at this stage.

On asking of this Court, Mr. Gurinderjit Singh, DAG, Punjab

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accepts notice on behalf of respondent-State.

Let requisite number of copies of paper book be given to learned State counsel during the course of the day.

Heard.

Since against the impugned order of summoning, there is a remedy of revision before the Court of Session, this Court is not inclined to interfere in the matter.

Faced with this situation, learned counsel for the petitioner states that he be permitted to withdraw the present petition, however, with liberty to avail the appropriate remedy as available under law. He further submits that considering the nature of offence invoking the offence under the SC/ST Act, the trial Court be directed to admit the petitioner on bail.

Dismissed as withdrawn with liberty aforesaid.

It is made clear that in case the petitioner approaches the trial Court for the relief of regular bail for offence under the SC/ST Act, the trial Court shall admit the petitioner on bail on his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court.

(HARI PAL VERMA)
JUDGE

December 20, 2016
Yag Dutt

Whether speaking/reasoned: Yes

Whether Reportable: No

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