

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

Sr. No.202

**CRM NO. M-4650 of 2016
DECIDED ON: August 24, 2016**

CHHINDA @ SHAMSHER SINGH AND OTHERS

..PETITIONERS

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Ms. Sarika Gupta, Advocate,
for the petitioners.

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

Mr. Saleem Malik, Advocate,
for respondent No.2 - complainant.

JASPAL SINGH, J. (ORAL)

This is a petition preferred by the petitioners under Section 438 Cr.P.C. read with Section 482 Cr.P.C. seeking pre-arrest bail in a complaint case bearing No.4813/2013 titled as '*Kewal Singh vs. Lakhwinder Singh & others*' dated August 18, 2009, whereby the petitioners have been summoned vide order dated November 16, 2015 passed by learned Judicial Magistrate Ist Class, S.B.S. Nagar to face trial under Sections 3(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Sections 452, 506 & 149 IPC.

While issuing notice of motion, following order was passed by
a coordinate Bench of this Court on February 25, 2016:-

“The instant petition has been filed under Section 438 Cr.P.C. read with Section 482 Cr.P.C. seeking concession of anticipatory bail in a complaint case bearing no.4813/2013 titled as Kewal Singh vs. Lakhwinder Singh & others dated 18.08.2009, whereby the petitioners have been summoned vide order dated 16.11.2015 passed by the learned Judicial Magistrate 1st Class, S.B.S. Nagar to face trial under Sections 3(X) of the Schedules Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Sections 452/506/149 IPC.

As per counsel appearing for the petitioners, it is a clear case of false implication. Towards such assertion, counsel would submit that Lakhwinder Singh one of the accused in the complaint lodged by respondent No.2 had got registered FIR No.72 dated 10.07.2009 at Police Station Rahon, District S.B.S. Nagar against the sons of the complainant Kewal Singh and in the trial that had ensued, they have been convicted. Counsel would refer to the complaint at Annexure P-1 which is otherwise dated 18.08.2009 but is in relation to an occurrence of 08.07.2009 i.e. two days prior to the registration of the FIR against sons of the complainant. It is further submitted that for a period of almost four years, statements were not got recorded by the complainant and it is only post conviction of the sons of the complainant that the summoning order against the present petitioners has been passed on 16.11.2015 at Annexure P-2.

List on 09.05.2016.

In the meanwhile, it is directed that in case the petitioners duly put in appearance before the trial Court within a period of one week from today, they would be entitled to ad interim protection as regards arrest subject to satisfaction of the trial Court.”

In pursuance of order dated February 25, 2016, petitioners have appeared before the trial Court and requisite bail bonds have been furnished which have been accepted vide order dated February 29, 2016. Otherwise

also the disposal of the trial is not likely in the short span of time.

Taking into consideration the above facts, instant petition is allowed. Interim order dated February 25, 2016 is made absolute and shall enure till the disposal of the trial but subject to the conditions, as envisaged under Section 438(2) Cr.P.C.

August 24, 2016
Avin/Ankur

(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No