

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

(115)

CRM-M-5930-2016

Decided on: March 01, 2016.

Daljit Singh and another

.... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. S.N. Sharma, Advocate, for
Mr. G.B. Gilhotra, Advocate, for the petitioners.

M.M.S. BEDI, J (ORAL)

The petitioners have filed present petition under Section 438 Cr.P.C for grant of pre-arrest bail in a case registered at the instance of Darshan Singh alleging that he along with his family members had been assaulted by the petitioners by visiting his house.

Learned counsel for the petitioners, when confronted as to why a petition for pre-arrest bail was not filed before the Sessions Court, submits that on account of false allegations under the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, leveled by the complainant, application for pre-arrest bail could not have filed before the Sessions Court.

I have heard learned counsel for the petitioners.

There is no absolute bar for grant of regular bail to the accused by appearing before the summoning Court and offering bail bonds. In case,

the accused are able to establish that prima facie offence under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, is not made out or that the accused have been involved in the case with an oblique motive in order to wreck vengeance, they can seek concession of pre-arrest bail also. The petitioners without approaching the Sessions Court have rushed to the High Court for the relief. I deem it appropriate to relegate the petitioners to first avail the remedy under Section 438 Cr.P.C by approaching the Sessions Court.

It is observed that in case the petitioners surrender before the trial Court by 08.03.2016 and apply for bail and if the trial Court opts not to grant concession of regular bail to the petitioners on their appearance in the private complaint filed by respondent No.2, the petitioners will not be arrested for a period of one week i.e. till 14.03.2016 to enable the petitioners to approach the Sessions Court for grant of pre-arrest bail.

It is re-observed here that Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act imposes a limited bar on grant of pre-arrest bail but there is no bar for grant of regular bail on appearance of the accused before the trial Court.

Disposed of with the observations aforesaid.

(M.M.S. BEDI)
JUDGE

March 01, 2016
harsha