

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

CRM No.M-7073 of 2016 (O&M)

Date of decision : 24.05.2016

Gurbax Singh and another

... Petitioners

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. Ashit Malik, Advocate for the petitioners.
Mr. Vivek Saini, DAG, Haryana.
Mr. Rajiv Sidhu, Advocate for the complainant.
...

TEJINDER SINGH DHINDSA, J.

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioners in complaint No.820 of 2013 dated 18.08.2013, under Sections 3 (V)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 323/506 IPC, registered at Police Station K.U.K., District Kurukshetra.

On 27.02.2016, while issuing notice of motion, the following order was passed by this Court:

“Petitioners seek concession of anticipatory bail in complaint case No.820 of 2013 dated 18.08.2013 under Section 3(V)(X) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter to be referred as 'the SC/ST Act') and Sections 323/506 IPC, registered at Police Station K.U.K., District Kurukshetra.

Counsel would vehemently contend that it is a case of false implication. Towards such assertion, it is submitted that the alleged occurrence as per complainant took place on 21.07.2011 whereas the complaint has been lodged after two

years i.e. on 18.08.2013. It is further argued that even a perusal of the complaint would reveal that there was a dispute between the parties pertaining to canal water irrigation and the allegations as regards uttering derogatory remarks have been made only to enlarge the gravity of the offence. It has also been argued that during the course of investigation the allegations as regards offence under the SC/ST Act had been found to be false and petitioners were only summoned under Sections 323/506 IPC and it is only thereafter upon a revision petition having been filed and the matter having been remanded back that the petitioners have now been summoned even for offence under Section 3 of the SC/ST Act.

Notice of motion, returnable on 24.05.2016.

In the meanwhile, it is directed that in the eventuality of the petitioners appearing before the trial Court on the date already fixed i.e. on 03.03.2016, they would be entitled to ad interim protection as regards arrest subject to satisfaction of the trial Court.”

It has gone uncontroverted that the petitioners have already appeared before the trial Court on 03.03.2016 and have been admitted to interim bail upon furnishing requisite bail bonds.

Counsel appearing for the complainant would argue that the assertion as regards complaint having been lodged after a delay of two years is factually incorrect. However, the other contentions raised on behalf of the petitioners and as noticed in the order dated 27.02.2016 have gone un rebutted.

Petitioners having already joined trial proceedings, prayer made in the present petition is accepted.

Petition is allowed. Order dated 27.02.2016 passed by this Court is made absolute.

Disposed of.

24.05.2016

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**