

CRM-M No. 9247 of 2016 (O&M)
Date of Decision : 20.09.2016

....Petitioner

.....Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

None for the complainant.

AJAY TEWARI, J. (Oral)

On 16.03.2016 the following order was passed:-

“ Present petition has been filed under Section 438 Cr.P.C read with Section 482 Cr.P.C seeking the concession of anticipatory bail to the petitioners in Criminal Complaint No.36 dated 25.5.2015 under section 3(x) of the Schedule Caste/Schedule Tribes (Prevention of Atrocities) Act, 1989 pending in the court of C.J.M., Fatehgarh Sahib.

The complaint under section 3(x) of the Schedule

Caste/Schedule Tribes (Prevention of Atrocities) Act, 1989 filed by respondent no.2 herein has been placed on record at Annexure P-5. Perusal thereof would reveal that the complainant had purchased three buffaloes from petitioner no.1 herein/accused on 21.3.2015 for a total sum of Rs.2,47,000/- and out of which a sum of Rs.2,18,000/- has been paid upfront and the balance was to be paid by 19.5.2015. Complainant has alleged that on 19.5.2015 when he along with his brother Sadhu Singh and others had proceeded to the village of petitioner no.1/accused and made a request for return of the original agreement/document upon making the remaining amount, derogatory utterances were made and that too in public view in a street. Motive attributed is that the accused party/petitioners herein were demanding the entire amount of Rs.2,47,000/-.

Counsel for the petitioners would submit that it is a clear case of false implication and the complaint itself is false and concocted. In support of such assertion counsel would refer to the document placed on record at Annexure P-2 i.e. a suit for permanent injunction preferred by brother of the complainant namely Sadhu Singh and in which petitioner no.1 herein was impleaded as party/defendant and which was typed and verified on 25.5.2015 itself and even filed on the following day. Counsel submits that subsequently on 17.9.2015 the suit was withdrawn. Counsel further contends that a suit for recovery has also been instituted by petitioner no.1 against brother of the complainant for recovery of Rs.3,21,250/-.

Contention in a nutshell is that it is essentially a money dispute between the parties and the allegations contained in the complaint are unfounded and motivated.

Notice of motion, returnable for 7.7.2016.

In the meantime, it is directed that in case the petitioners duly appear before the Trial Court on or before the date already fixed i.e.7.4.2016, they would be entitled to interim bail subject to satisfaction of the Trial Court.”

On 08.07.2016 the following order was passed:-

“ As per the report, service on respondent No.2 could not be effected as he is avoiding service and notice has been affixed at his residence. In the circumstances, service upon respondent No.2 is deemed to be effected.

Counsel for the petitioners states that the petitioners have surrendered before the trial Court on the date fixed and have been granted interim bail.

Learned Addl. AG Punjab prays for a short adjournment to verify this fact.

Adjourned to 20.9.2016.”

Even today none has entered appearance on behalf of the complainant.

In the circumstances interim order dated 16.03.2016 is made absolute.

Petition stands disposed of.

Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.

(AJAY TEWARI)
JUDGE

September 20, 2016
sunita

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No