

CRM-M-10418-2017

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

CRM-M-10418-2017

Date of Decision: 08.05.2017

Satinder Singh @ Sunny

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Rohiteshwar Singh, Advocate,
for the petitioner.

Mr. V.P.S.Sidhu, AAG, Punjab.

Mr. Prashant Vashisth, Advocate,
for the complainant.

INDERJIT SINGH, J.

Petitioner-Satinder Singh @ Sunny has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.36 dated 04.03.2017, registered at Police Station Adampur, District Jalandhar (Rural), under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of the respondent-State and complainant also appeared through her counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that first of all, the petitioner has

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already joined the investigation. He has now not required for custodial interrogation.

Learned counsel for the petitioner argued that in the FIR, there is no mention regarding caste of the complainant as to whether dhe belongs to the scheduled caste or not. He further argued that the petitioner has married with Soma Rani, who belongs to the caste of the complainant and due to this reason, the present FIR has been registered.

I have gone through the FIR of the present case. As per the FIR, the petitioner has married with Soma Rani who belongs to the caste of the complainant i.e. lower caste which otherwise shows that the petitioner belongs to the higher caste and when the petitioner has married with a girl of lower caste, then why he will abuse the complainant by the name of caste.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 28.03.2017 passed by this Court, granting interim bail to the petitioner, is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

However, it is made clear that whatever stated above is only for the purpose of deciding this petition and it shall in no way be treated as opinion on the merits of the case by the trial Court.

08.05.2017

parveen kumar

**(INDERJIT SINGH)
JUDGE**

Whether speaking/reasoned

: Yes

Whether reportable

: No