

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

**Crl. Misc. No.M-10540 of 2017 (O&M)
Date of Decision: July 12, 2017**

Devender Singh

.....PETITIONER(s).

VERSUS

State of Haryana and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Anshumaan Dalal, Advocate
for the petitioner (s).

Mr. Deepak Grewal, D.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in complaint case No. 10 of 2013/2016 dated 09.09.2013 titled as 'Suresh Kumar Vs. Devender Singh' wherein he has been summoned to face trial for offences punishable under Sections 190 of Code of Criminal Procedure and Section 3 (1) (viii) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short SC/ST Act), pending before Judicial Magistrate Ist Class, Rohtak.

Heard.

The dispute pertains to the land measuring 23 kanals 19 marlas. The complainant has alleged that the petitioner and his brother have cultivated this land which was allotted to Shanti Devi, mother of the

complainant and thereby committed offence punishable under Section 3(1)(viii) of SC/ST Act.

Learned counsel for the petitioner submits that the petitioner has surrendered before the Illaqa Magistrate and has been released on interim bail in terms of order dated 07.04.2017 and the case has now been committed to the Court of Sessions for trial, where the petitioner is appearing.

Learned State counsel also endorses the submission of learned counsel for petitioner. On behalf of respondent No. 2 none has put in appearance.

The fact as to whether the land was allotted to mother of complainant and its possession was delivered to her and further of her dispossession are to be proved by leading evidence. The provisions of SC/ST Act shall stand attracted on proof of above facts. Till the complainant proves his case there is no purpose to detain the petitioner in custody.

Keeping in view the above fact and that the petitioner has put in appearance and has been released on interim bail in terms of order dated 07.04.2017, this petition is allowed and the order dated 07.04.2017 is made absolute, subject to the condition that petitioner shall appear before the trial Court on each and every date of hearing.

July 12, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No