

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

CRM-M No.3115 of 2017 (O&M)

Date of Decision: 23.2.2017

Ranjot Singh and another

..Petitioners

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.G.S.Brar, Advocate for the petitioners.

Mr.Sidakmeet Singh Sandhu, AAG Punjab.

Mr.A.S.Sekhon, Advocate for the complainant.

AMOL RATTAN SINGH, J.

Learned counsel for the complainant has pointed out that though interim bail was granted to the petitioners in this case, however, when a co-accused had filed another petition seeking anticipatory bail by filing CRM-M No.4512 of 2017, it had been pointed out by him, i.e. counsel for the complainant, that the FIR was registered only after a preliminary enquiry was conducted by a Deputy Superintendent of Police, in which the petitioners had been found prima-facie guilty of having committed an offence punishable under Section 3(i)(v)(xv) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

He, therefore, submits that in terms of Section 18 of the said Act, the petitioners are not entitled to anticipatory bail. It is to be noticed that despite the aforesaid bar in the Act of 1989, unless there is some corroboration of the allegations that a person was abused by caste, this Court in normal circumstances, does admit the petitioner to bail, with there

being a real possibility of wholly false implication.

However, in the present case, since the enquiry is stated to have been conducted by a Deputy Superintendent of Police, without making any comment on the actual truth of the allegations, which would be a matter of evidence to be led before the trial Court, it would not be appropriate to continue the concession of anticipatory bail to the petitioners, in the face of Section 18 of the Act of 1989.

Consequently, the present petition is dismissed and the interim order is dated 6.2.2017 is vacated.

(Amol Rattan Singh)
Judge

23.2.2017
Meenu/vcgarg

Whether speaking/reasoned	- Yes
Whether Reportable	- No