

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA  
AT CHANDIGARH

Crl. Misc. No.M-3384 of 2017

Date of Decision: February 27, 2017

Kuldeep Singh alias Deepu ...Petitioner

Versus

State of Haryana and another

...Respondent

**CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH**

Present:- Mr. S.S. Kamboj, Advocate  
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana

Ms. Priyanka Dalal, Advocate  
for the complainant.

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**Amol Rattan Singh, J. (Oral)**

Pursuant to the notice issued, Ms. Priyanka Dalal, Advocate, has also appeared for the complainant and submitted that firstly, the FIR itself was delayed and further, that upon representation made to the Superintendent of Police, an investigation was got conducted by an Inspector, who found that an offence punishable under the provisions of the Schedule Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is actually made out.

However, learned counsel for the petitioner, as also learned counsel for the State, submit that the investigation thereafter carried out by the DSP, who is the person with jurisdiction to carry out such investigation, no such allegations were made out.

Having considered the facts of the case as presented before this

Court, to the effect that one investigation, though not by a gazetted officer did find the petitioner and his co-accused guilty of having committed an offence punishable under the aforesaid Act, at least the prima facie opinion of this Court, stands overridden.

However, the aforesaid observation will only be taken to be one made in the context of the petition filed under Section 438 Cr.P.C., and not an observation on the merits of the case which would obviously be gone into by the trial Court.

Keeping in view the aforesaid circumstances, in my opinion, the bar contained under Section 18 of the aforesaid Act would operate and therefore, this petition seeking anticipatory bail under Section 438 Cr.P.C. is dismissed.

Obviously, the petitioner would be at liberty to take his remedy under Section 439 Cr.P.C. before the trial Court, which would decide any such petition filed, on its own merits.

February 27, 2017  
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**(Amol Rattan Singh)**  
**Judge**

**Whether reasoned/speaking: Yes/no**  
**Whether reportable: Yes/no**