

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

CRL. MISC. No.M-37598 OF 2016 (O&M)
DATE OF DECISION : 9th MARCH, 2017

Balwinder Singh

.... Petitioner

Versus

State of Punjab & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

* * * *

Present : Mr. Sanjiv Gupta, Advocate for the petitioner.

Ms. Rajni Gupta, Addl. A.G. Punjab.

Mr. R. K. Verma, Advocate
for respondent No.2-complainant.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed the present petition under Section 438 Cr.P.C. seeking anticipatory bail in private complaint No.6 dated 29.05.2014 titled as Sukhwinder Singh versus Balbir Singh and other for offence under Section 447 & 506 IPC and Section 3(x) of SC & ST Act pending in the Court of JMIC, Garhshankar, District Hoshiarpur.

Heard learned counsel for the rival parties.

This court had made an order on October 21, 2016 granting *ad interim* bail to the petitioner in the above said complaint case. The Section 18 of the SC & ST Act provides for bar of granting anticipatory bail. Nevertheless, finding prima facie case the petitioner was given the relief of *ad interim* anticipatory bail. However there is an application bearing CRM No.2442 of 2017 filed by respondent No.2-Sukhwinder Singh in which the averments have been made in para 4 of the

application that after obtaining the interim order as above, the petitioner has started his activities of terrifying the complainant and that is why there is a prayer to extend protection to the victim.

There is hardly any house of person belonging to the Scheduled Caste like the victim in the village and the petitioner having obtained interim order from this Court put them under intimidation and threat. This Court however, is not inclined to cancel the anticipatory bail order since the better solution can be found so that the ultimate object of protection to the victim and his family, can be achieved. The reason is possible not to expect the police to provide full time protection to the victim and his family. In that view of the matter I think the following order would subserve the ends of justice:

ORDER

- (i) The CRL. MISC. No.M-37598 OF 2016 is allowed.
- (ii) Interim order dated 21.10.2016 is made absolute with the following conditions:
 - (a) The petitioner shall not enter the village of the complainant i.e. Sooni, Police Station Mahilpur, Tehsil Garhshankar, District Hoshiarpur and also shall not apply for modification of this condition till the trial is concluded. Even if there is any function in the village of the victim the petitioner is not allowed to enter the village.
 - (b) The petitioner shall not cause any intimidation to the victim and his family members till the completion of the trial.

- (c) Since the case in question is a complaint case, there is no need to join the investigation and petitioner shall continue to appear before the trial Court on the appointed dates for trial.
- (d) The petitioner to furnish bail bonds before the trial Court to its satisfaction.

9th March, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE