

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

**Criminal Misc. No.M-46343of 2017(O&M)**

**Date of Decision: December 16, 2017.**

Pardeep Singla

Petitioner.

**Versus**

State of Punjab

Respondent

**CORAM:- HON'BLE MRS.JUSTICE LISA GILL**

Present: Ms. Neha Jain, Advocate  
and Mr. Aminder Preet Singh, Advocate  
for Mr. K.S.Dadwal, Advocate  
for the petitioner.

Mr.Saurav Khurana, DAG, Punjab.

Mr. Harsh Aggarwal, Advocate  
for the complainant.

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**LISA GILL, J.**

**CRM-40484 of 2017.**

In view of the reasons mentioned in the application and arguments addressed, applicant-complainant Raj Bala w/o Mohan Lal Parwana, r/o Prem Nagar, Bathinda Road, Jaitu, District Faridkot, is impleaded as respondent no.2.

Necessary addition be made in memo of parties by the Registry of this Court.

Application is disposed of.

**CRM-40485 of 2017.**

Affidavit of the applicant-respondent alongwith Annexures R-2/1 to R-2/14, are taken on record, subject to just exceptions. Exemption in filing typed copies thereof, is granted.

Application is disposed of.

CRM-M-46343 of 2017.

Petitioner seeks the concession of bail pending trial in FIR No. 163 dated 19.11.2017, under Sections 342, 509 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Jaitu, District Faridkot.

It is submitted that the offence in question relates to an incident which allegedly took place on 09.02.2011 at the time of conducting of elections for the post of vice president of the Municipal Council, Jaitu. It is further submitted that the complainant, who was also an elected member of the Municipal Council and a candidate for the post of Vice President, moved an application dated 01.03.2011 (Annexure P-3) before the Scheduled Castes and Backward Commission, Punjab, Chandigarh, for taking action against the petitioner. Inquiry was marked into this matter by the Commission. The matter was inquired into by the Sub-Divisional Magistrate, Jaitu. As per his report dated 21.11.2011 (Annexure P-4), a number of complaints by both the parties were noticed to be pending. It is concluded in the said report that both parties had filed numerous complaints on account of political differences and were trying to achieve political mileage.

Thereafter, the Commission vide order dated 24.06.2012 directed that action be initiated against the petitioner under Punjab State Scheduled Castes and Backward Tribes (Prevention of Atrocities) Act, 1989. This order was assailed by the petitioner before this Court by filing CWP No. 16282 of 2012. Operation of order dated 24.06.2012 (Annexure P-6) was stayed by this Court on 23.08.2012. It is submitted that despite the stay granted by this Court, the matter was still being proceeded with. The petitioner, consequently filed COCP No.

3343 of 2012, wherein the respondents therein specifically took a stand that the complaint against the petitioner after inquiry has been filed. The contempt petition was therefore not pressed by the petitioner. Order dated 20.03.2013 in COCP No. 3343 is attached as Annexure P-7 with this petition.

Learned counsel for the petitioner submits that in view of the said statement, CWP No. 16282 of 2012 was not pursued by the petitioner, which was ultimately dismissed in default on 21.01.2015. However, vide order dated 16.10.2017 by the National Commission of Scheduled Castes (Annexure R-2/7), the Senior Superintendent of Police, Faridkot, was directed to look into the matter. Thereafter, an inquiry was conducted by the Deputy Superintendent of Police, Jaitu and the present FIR was registered on 19.11.2017 in respect to the incident which allegedly took place on 09.02.2011.

Learned counsel for the petitioner argues that the authorities have not even referred to the earlier inquiry or the stand taken by them before the Contempt Court to the effect that the matter was filed after due inquiry. It is submitted that it is wrongly mentioned in the inquiry report that the petitioner despite being telephonically called, did not join the investigation. Political vendetta, it is submitted was unleashed and the petitioner was arrested on 20.11.2017 while he was attending a function at Jaitu. Learned counsel argues that the petitioner, who has served as vice president of the Municipal Council, Jaitu for two terms, is not involved in any other criminal case and he is being victimized merely due to political reasons. The petitioner, it is submitted undertakes to face the proceedings and shall not abuse the concession of bail, if afforded to him. There is no likelihood of the petitioner absconding. It is thus prayed that this petition be allowed.

Learned counsel for the complainant has vehemently opposed this petition while submitting that the complainant has been running from pillar to post from the year 2011. False cases have been registered against the complainant to try and dissuade her from pursuing the matter. The petitioner himself on 14.10.2014 it is submitted, stated before the Police Authorities that he would be bound by the decision in CWP No. 16282 of 2012. Therefore, there is no question of his not pursuing the writ petition due to the statement made in the contempt petition. Learned counsel for the complainant sought to urge that after the dismissal of CWP No. 16282 of 2012 in default, the complainant actively pursued the matter and went up to the National Commission of Scheduled Castes. It is only after a direction from the National Commission of Scheduled Castes that proceedings were again initiated by the police authorities. It is further submitted that inquiry report dated 21.11.2011 (Annexure P-4) was submitted by the same officer who was present on duty on 09.02.2011 and is a biased report. No reliance can be placed thereon. This averment has been refuted by learned counsel for the petitioner while referring to para.2 of the findings of the said report itself wherein the report submitted by Sub-Divisional Magistrate, Bhupender Singh, Convenor at the time of conduct of elections as well as by Gursewak Singh, Executive Officer, is specifically mentioned. Learned counsel for the State is unable to furnish the name of the officer submitting the report Annexure P-4.

However, learned counsel for the complainant as well as the State are unable to deny that an inquiry was indeed conducted in the matter by the Sub-Divisional Magistrate, Jaitu in November, 2011. COCP No. 3343 of 2013 was not pressed by the petitioner on account of the statement made on behalf of the

respondents therein to the effect that complaint against the petitioner after inquiry has been filed.

Heard learned counsel for the parties at length.

There is no denial that the incident complained of allegedly took place on 09.02.2011. Filing of CWP No.16282 of 2012. and COCP No. 3343 of 2013, are also not in dispute.

Learned counsel for the State, on instructions from DSP Baljinder Singh, verifies that the petitioner is not involved in any other criminal case. There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Pardeep Singla, is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Chief Judicial Magistrate, Faridkot.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

It is made clear that the petitioner shall not attempt to contact the complainant or any of the witnesses directly or indirectly. Any infraction in this regard may entail cancellation of his bail.

**16.12.2017**  
s.khan

**[LISA GILL]**  
**Judge**

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.