

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

**CRM-M-6918-2017
Date of Decision :-18.8.2017**

Smt.Mamta

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE H.S. MADAAN

Present: Mr.Sumit Sangwan, Advocate
for the petitioner.

Mr.Gaurav Bansal, AAG, Haryana.

H.S.MADAAN, J. (ORAL)

The instant petition under Section 438 Cr.P.C. read with Section 482 Cr.P.C. for pre-arrest bail has been filed by petitioner Smt.Mamta, an accused in FIR No.62 dated 12.2.2017, under Sections 323/341/506 IPC and 3 (2) 5A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered with Police Station Sadar, Bhiwani.

Briefly stated, the case of prosecution is that on 12.2.2017 at about 1:30 p.m., complainant Munesh wife of Om Parkash had gone to the house of accused Mamta for demanding payment of her wages. However, the petitioner took a brick from the street and hit her on forehead as well as head. The complainant became unconscious and fell

down. The petitioner also gave leg and fist blows to her. In the meanwhile, Ashish son of complainant arrived at the spot. Then accused went inside her house while abusing. She had stopped the passage of complainant and uttered words regarding caste of the complainant i.e. *Chamar DHED*, in that way insulting her and threatened to kill her.

Apprehending her arrest in this case, Mamta - accused had approached the Court of Sessions seeking grant of pre-arrest bail but her such application was dismissed by the Court learned Additional Sessions Judge, Bhiwani vide order dated 23.2.2017. As such she has approached this Court asking for similar relief.

According to the petitioner, the complainant had not done any work for her, as such there was no occasion for her to demand money. As a matter of fact, the complainant came to petitioner on her asking. The petitioner gave Rs.30,000/- to the complainant and out of that, she had returned Rs.14,000/- and as such regarding the remaining sum, the petitioner had demanded the same from the complainant and feeling aggrieved, the complainant lodged the FIR and no such incident has taken place.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

When the petition came up for hearing on 2.3.2017, while issuing notice of motion for 4.5.2017, interim bail was granted to the petitioner observing that in case of her arrest, she would be admitted to ad-interim anticipatory bail to the satisfaction of the arresting officer. As stated by learned State counsel on instructions from ASI Sukhbir

Singh from Police Station Sadar, Bhiwani, the petitioner has since joined the investigation and has been released on interim bail. Admittedly, no recovery is to be got effected from her. In that way, her custodial interrogation is not found to be necessary. It is a matter of evidence as to whether the petitioner had in fact uttered the words regarding the caste of complainant and whether necessary ingredients of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 are made out.

Keeping in view the facts and circumstances of the case including the fact that the petitioner is a woman, the interim bail granted to the petitioner on 2.3.2017 is made absolute, subject to her fulfilling conditions under Section 438(2) Cr.P.C.

The petition stands allowed accordingly.

18.8.2017
Brij

(H.S. MADAAN)
JUDGE

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