

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-7826 of 2017

Date of Decision: 10.07.2017

Neeru Dyal

... Petitioner

Versus

U.T. Chandigarh

... Respondent

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vishal Sharma, Advocate,
for the petitioner.

Mr. Gautam Dutt, Advocate,
for U.T. Chandigarh.

Mr. Y.P. Singla, Advocate,
for the complainant.

RAJIV NARAIN RAINA, J.(Oral)

When the matter came up for hearing on March 08, 2017 the
Court passed the following order:-

“The instant petition has been filed under Section 482 read with Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.35 dated 01.02.2017, under Sections 454, 506 IPC and Section 3 (i) (vi) and (x) of the SC and ST Act, registered at Police Station Sector-36, Chandigarh.

Counsel submits that the complaint made by Bishan Dass and which has led to the registration of FIR is ill-motivated and it is a case of false implication. It is argued that even as per version of the complainant there was a litigation between the parties, and the present petitioner had filed an ejectment petition against the complainant to seek his eviction from the garage of the house owned by her. Further contended that even if the version of the complainant is taken at its face-value, no offence under Clause 3 (i) and (vi) are made out. Even as regards Clause 3 (x) is concerned, it is argued that even such offence

would not be made out as the allegations are not as regards derogatory language having been used in public view. Counsel submits that under such circumstances the bar envisaged under Section 18 of the SC & ST Act would not apply.

Notice of motion, returnable for 10.07.2017.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Today, when the matter comes up for hearing learned counsel for the UT Chandigarh informs the Court, on instructions from SI Devinder Singh, that the petitioner has joined the investigation. Besides, the challan has been presented and the trial has started.

The petitioner has put in appearance and submitted his bail bonds to the satisfaction of the trial Court and the case is fixed for framing of charges.

Accordingly, the interim bail is made absolute subject to the conditions in Section 438 (2) Cr.P.C.

The petition stands disposed of as infructuous.

(RAJIV NARAIN RAINA)
JUDGE

10.07.2017
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Whether speaking/reasoned Yes/No

Whether reportable Yes/No