

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

**CRR No.243 of 2016 (O&M)
Date of Decision: October 24, 2017**

Sarabjit Kaur

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Ms.Narender Kaur, Advocate
for the petitioner.

Mr.Ayush Sarna, Asstt. Advocate General, Punjab
for the respondent-State.

Mr.Shivroop Singh Dhaliwal, Advocate
for respondent No.2.

INDERJIT SINGH, J.

The present revision has been filed by the petitioner Sarabjit Kaur against respondents State of Punjab and Manju Bala, challenging the impugned order dated 17.10.2015 passed by learned Addl. Sessions Judge, Ludhiana, vide which charges were framed against the petitioner under Sections 3(ii), 3(xii) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity 'the SC&ST Act) and Section 323 read with Section 34 IPC along with other co-accused.

Notice of motion was issued. Learned State counsel as well as learned counsel for respondent No.2 appeared and contested the petition.

I have heard learned counsel for the parties as well as learned

State counsel and have gone through the record.

At the time of arguments, learned counsel for the petitioner argued that Sarabjit Kaur is a Teacher and she herself belongs to Scheduled Caste and there is no specific allegations to show that she was armed with any weapon or caused any injury. He further argued that petitioner has been falsely implicated in the complaint. An enquiry has already been conducted by the police and no such occurrence is stated to have taken place. Learned counsel for the petitioner next argued that on the day of occurrence, Sarabjit Kaur was in the school and she was not present at the spot.

On the other hand, learned counsel for respondent No.2 has not contested seriously the fact that Sarabjit Kaur herself belongs to Scheduled Caste.

Learned counsel for the petitioner brought to the notice of this Court the certificate issued by the Tehsildar in which it is stated that Sarabjit Kaur daughter of Darshan Singh belongs to Shikari Band Caste which has been recognized as Scheduled Caste as per "The Constitution (Scheduled Castes), Order 1950".

In view of the fact that petitioner herself belongs to scheduled caste, charge under Section 3 of the SC&ST Act cannot be framed against her.

I have also gone through the complaint filed by Manju Bala. Even name of the petitioner has not been mentioned and petitioner is stated as not known wife of Mangal Singh. No specific injury has been attributed to her in the complaint.

In view of the above discussion, I find that no prima facie case

finding merit in the present petition, the same is allowed. The impugned order dated 17.10.2015 passed by learned Addl. Sessions Judge, Ludhiana, to the extent of framing the charges against the present petitioner, is set aside. Petitioner Sarabjit Kaur stand discharged of the charged framed against her.

October 24, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No