

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

-:-

Crl. Misc. M – 8647 of 2017

Date of Decision : 02.05.2017

Harjinder Singh

... Petitioner

versus

State of Punjab

... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

Present : Mr. Narinder S. Lucky, Advocate, for the petitioner.

Mr. K.D.Sachdeva, Addl. A.G., Punjab.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reports or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner seeks concession of anticipatory bail in FIR No. 69 dated 04.03.2013, registered under Sections 354, 323, 506, 148, 149 IPC read with Sections 3(1) (x), 3(i) and 4 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station City Tarn Taran, District Tarn Taran.

It is submitted that the petitioner was found innocent during investigation. He was summoned on an application under Section 319 Cr.P.C. It is further submitted that a bare perusal of the FIR would reveal that no offence punishable under Sections 354, 323, 506, 148, 149 IPC read with Sections 3(1) (x), 3(i) and 4 of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short SCST Act) is made out against the petitioner. The petitioner, it is submitted, was not even present at the spot. There is no specific allegation against the petitioner which invites the rigors of the SCST Act. Therefore, the bar under Section 18 of the said

Act is not attracted. Learned counsel for the petitioner further submits that co-accused in this case were afforded similar benefit by this Court on 17.03.2016 in Crl. Misc. M – 2603 of 2016 and Crl. Misc. M – 43971 of 2015, Annexure P/4(Collectively). Furthermore, the petitioner is ready and willing to face trial. In compliance of order dated 24.03.2017, the petitioner has appeared before the learned trial Court on 11.04.2017. Copy of the order dated 11.04.2017, produced today in Court, is taken on record subject to all just exceptions.

Learned counsel for the State, on instructions from H.C Germanjeet Singh, P.S. City Tarn Taran, affirms and verifies that the petitioner was summoned on an application under Section 319 Cr.P.C. He has appeared before the learned Trial Court on 11.04.2017 and has been admitted to interim bail.

There is no allegation 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 the 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 Harjinder Singh is allowed. Interim bail afforded to the petitioner pursuant to order dated 24.03.2017 is made absolute subject to his furnishing fresh bail bonds and surety bonds to the satisfaction of the trial Court.

May 02, 2017
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(LISA GILL)
JUDGE

Whether speaking/reasoned – Yes
Whether reportable – Yes/No