

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

**Crl. Misc. No.M-10985 of 2018 (O&M)
Date of Decision: May 09, 2018**

Balwinder Singh

.....PETITIONER(s).

VERSUS

State of Punjab

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Prabhjot Singh, Advocate
for the petitioner (s).

Mr. Amandeep S. Gill, Senior D.A.G. Punjab.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.0193 dated 08.10.2017 registered for the offences punishable under Sections 3(X) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989(for short 'SCST Act') at Police Station Sadar Jalalabad, Police District Fazilka.

Heard.

Learned State counsel submits that petitioner has joined the investigation, which is still in progress but his custodial interrogation is no more required for the purpose of further investigation.

The allegations against the petitioner are that a video of his

uttering certain derogatory remarks to the complainant was recorded and

circulated in social media. To make out that the offence is punishable under Section 3 (R) of SCST Act, is a matter to be seen by the Investigating Agency as the remarks were not made in public view.

In view of above discussion and submission of learned State counsel but without expressing any opinion on the merits of the case, this petition is allowed and order dated 16.03.2018 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court;
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

May 09, 2018
Sachin M.

(SURINDER GUPTA)
JUDGE

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

Whether Reportable: ***Yes/No***