

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-19454-2017(O&M)

Date of Decision: 01.05.2018

Manjit Singh

--Petitioner

Versus

State of Punjab and another

--Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. G.S. Brar, Advocate for the petitioner.

Ms. Jaspreet Kaur, A.A.G., Punjab.

Ms. Swati Batra, Advocate for the complainant.

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C read with Section 482 Cr.P.C seeking concession of anticipatory bail to the petitioner in Criminal Complaint No.558 of 2014 dated 19.12.2014 titled as Balkar Singh Vs. Manjit Singh under section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and wherein petitioner has been summoned vide order dated 28.9.2016 to face trial in the court of learned Illaqa Magistrate, Jalandhar.

Perusal of the complaint dated 19.12.2014 placed on record and appended as Annexure P-1 would reveal that the complainant Balkar Singh is working as a Granthi in Gurudwara Shaheed Baba Nihal Singh Ji, Talhan, Tehsil & District Jalandhar. Accused/petitioner herein is stated to be the Head Granthi in the same Gurudwara.

Precise allegations are that on 2.12.2014 at about 5.30 P.M and in public view petitioner/accused has used abusive and derogatory remarks pertaining to the caste of the complainant.

Counsel for the complainant/respondent no.2 herein would vehemently opposes the prayer for pre-arrest bail by submitting that the utterances employed by the accused were with the sole idea to demean the complainant and to insult as also humiliate the complainant as he was aware of the caste of the complainant. It is submitted that prima facie offence punishable under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is made out and as per the bar envisaged under Section 18 of the Act the concession of pre-arrest bail cannot be granted.

Per contra, counsel appearing for the petitioner/accused has adverted to the averments made in para 4 as also para 11 of the complaint and which would indicate that on previous occasions also complaints had been lodged by the complainant Balkar Singh against the petitioner raising similar allegations but such complaints were either not pursued or had been withdrawn.

The contention raised by counsel for the petitioner is that the offence whether made out under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, would be debatable.

On a previous date of hearing i.e. 30.5.2017, a Coordinate Bench of this Court had passed the following order:-

“Notice of motion for 14.09.2017.

In the meanwhile, in pursuance to the summons issued, the petitioner is directed to appear before the trial court on the date fixed and on such appearance by him, the trial court is directed to admit him on ad-interim bail to its satisfaction.”

It has gone uncontroverted that in pursuance to the order dated 30.5.2017 petitioner has put in appearance before the Trial Court and has been admitted to interim bail upon furnishing requisite bail bonds/surety bonds.

In view of the discussion above and against the backdrop of the petitioner having joined trial proceedings, prayer made in the instant petition is accepted. The order dated 30.5.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

01.05.2018

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No