

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

Crl. Misc. No. M-23258 of 2017

Date of Decision : February 02, 2018

Paramjit Singh and othersPetitioners

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

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Present: Mr. Karanjit Singh, Advocate
for the petitioners.

Ms. Seena Mand, DAG, Punjab.

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LISA GILL, J. (Oral)

The petitioners seek the concession of anticipatory bail in Cross Case i.e. DDR No. 31 dated 09.06.2016 under Sections 323, 324, 354, 506, 148, 149 IPC in FIR No. 85 dated 09.06.2016 under Sections 323, 325, 341, 295, 148, 149 IPC and Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Sultanpur Lodhi, District Kapurthala.

It is submitted that the petitioners have been falsely implicated in this matter. Subsequent to the filing of this petition, Sections 3 and 4 of the SC/ST Act have been added on 12.07.2017. It is argued that a bare perusal of the DDR (Annexure P1) does not reveal the commission of any offence punishable under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short the 'SC/ST Act') qua the petitioners therefore the bar to grant of anticipatory bail under

the said Act is not applicable. Moreover, the petitioners have joined investigation. They undertake to face proceedings. It is, thus, prayed that this petition be allowed.

Learned counsel for the State, on instructions from HC Balwant Singh, verifies that initially DDR No. 31, wrongly mentioned as DDR No.21 in the Head Note and the prayer clause of the petition, (the vernacular of Annexure P1 reflects the DDR Number to be 31. It is confirmed by learned counsel for the State that the DDR No. is 31) dated 09.06.2016 was registered under Sections 323, 324, 354, 506, 148, 149 IPC. Subsequently, Sections 3 and 4 of the SC/ST Act have been added on 12.07.2017. It is further verified that the petitioners have joined investigation and their custodial interrogation is not required. The petitioners are not reported to be involved in any other criminal case.

In respect to the bar of grant of anticipatory bail under the SC/ST Act, it has been held by the Hon'ble Supreme Court in ***Vilas Pandurang Pawar and Anr. v. State of Maharashtra and others, 2012(4) R.C.R. (Criminal) 761*** that a duty is cast on the Court to verify the averments and find out whether an offence under the SC/ST Act is made out. Prima facie, there do not appear to be any allegations against the petitioner to invite the rigours of the provisions of the SC/ST Act in the present case, though on considering the entire evidence, the learned trial Court may ultimately find the accused to be guilty.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition.

Consequently, in the event of arrest of the petitioners, they be

released on bail to the satisfaction of the Arresting/investigating Officer.

The petitioners shall join investigation as and when called upon to do so.

Petitioners shall comply with the conditions stipulated in Section 438 (2)

Cr.P.C.

02.02.2018

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**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No

Yes / No