

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.42787-2018 (O&M)

Date of decision : 18.12.2018

Gursewak Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr.Harbhajan Sigh, Advocate for the petitioner
Mr.Karanbir Singh, AAG Punjab

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (Oral)

Learned State counsel states that the petitioner has joined the investigation. It is contended that there is bar under Section 18 of Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 for grant of anticipatory bail. Except the said bar, the petitioner is not required by the police.

Heard.

File perused.

It comes out that an FIR No.32 dated 23.4.2018 was lodged by Naib Singh father of the petitioner under Sections 341, 323 and 34 IPC at Police Station City-2, Mansa, Punjab against Harpreet Singh son of Thana Singh, Harvinder Singh @ Kala son of Ajit Singh and Manpreet Singh son of Mukhtiar Singh. It is stated that as a counter blast to the said, DDR No.22

was dated 26.4.2018 was lodged by Manpreet Singh stating that on 20.4.2018 i.e. on the day of occurrence, present petitioner, Naib Singh and Gursewak Singh had used derogatory words against the caste of opposite party and scuffled with them causing minor injuries. Therefore, cross-case under Section 323 IPC and Section 3 of Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 was also ordered to be investigated in the present FIR, earlier lodged by Naib Singh.

I am of the view that it is a case of version and cross-version . Admittedly, occurrence took place. DDR was lodged 5 days after the registration of FIR. Therefore, at this stage, it is doubtful, as to whether the words against the caste were actually used or not? When it is doubtful whether the crime was actually committed or not, this Court is always competent to grant anticipatory bail.

It being so, the present petition is allowed. Anticipatory bail granted to the petitioner vide order dated 28.9.2018 is made absolute.

18.12.2018
gk

(Kuldip Singh)
Judge

Whether speaking/ reasoned:	Yes
Whether Reportable:	No