

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

**CRM-M-45401-2017 (O&M)**

**Date of decision: 03.05.2018**

Satish Kumar & others

... Petitioners

Vs.

State of Punjab & another

... Respondents

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

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

Mr. H.S. Sullar, DAG, Punjab.

...

**TEJINDER SINGH DHINDSA, J. (ORAL).**

This order shall dispose of the instant petition seeking concession of pre-arrest bail to the petitioner in a complaint case No.RT-24, dated 04.05.2015/26.05.2015, titled as Surinder Kaur Vs. Nand Lal & others, under Sections 323/506/341/34 IPC and Sections 3/4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 pending in the Court of JMIC, Faridkot.

While issuing notice of motion on 30.11.2017, the following order was passed by this Court:

*“It is inter alia contended that earlier a civil suit was pending between petitioner No.3 Nand Lal and husband of the complainant namely Bakshish Singh and that the complainant Surinder Kaur as a vengeance over the decision of said civil suit in favour of the other side, has falsely moved the present complaint and that nothing is to be recovered from the petitioners.*

*Notice of motion for 04.04.2018.*

*Meanwhile, the petitioners shall put in appearance*

*before the investigating officer within 15 days from today and on their doing so, they shall be released on interim bail to the satisfaction of investigating officer. The petitioners shall also abide by the conditions specified under Section 438(2) Cr.P.C.”*

Subsequently, on 21.12.2017 the following order was passed by this Court:

*“It has been brought to the notice of this Court that due to inadvertence in orders dated 30.11.2017 in the concluding paragraph words 'investigating officer' have been mentioned in stead of 'trial Court' which is a pure bona fide typographical error and thus the same stands rectified. The said directions are ordered to be reinforced and the petitioners shall put in appearance before the trial Court within 20 days of the rectification of the same, i.e. today.*

*The application stands disposed off. A note to this effect be given in the paper book.”*

Inspite of service having been effected, no representation has been caused on behalf of the complainant/respondent No.2, Surinder Kaur w/o Bakshish Singh.

Counsel representing the petitioners has adverted to an order dated 02.01.2018 passed by the learned JMIC, Faridkot at Annexure P-7 and a perusal of the same would reveal that petitioners have duly appeared before the trial Court and were admitted to interim bail upon furnishing requisite bail/surety bonds.

Even though, it is a matter in which offences under Sections 3/4 of the SC/ST Act have been cited but in the light of contention recorded by this Court while issuing notice of motion, the offence whether made out under the SC/ST Act would be debatable.

Petitioners having already joined trial proceedings, prayer made in the instant petition is accepted.

Orders dated 30.11.2017 and 21.12.2017 passed by this Court are made absolute.

Disposed of.

**03.05.2018**

*harjeet*

**(TEJINDER SINGH DHINDSA)  
JUDGE**

- |     |                            |        |
|-----|----------------------------|--------|
| i)  | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable?        | Yes/No |