

CRM-M-46818-2016

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

CRM-M-46818-2016

Date of Decision: 30.10.2018

Shamsher Singh Dahiya and others

... Petitioners

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. Mansur Ali, Advocate,
for the petitioners.

Mr. Sukhdeep Parmar, DAG, Haryana.

Mr. K.B.Raheja, Advocate,
for respondent No.2.

INDERJIT SINGH, J. (Oral)

Petitioners-Shamsher Singh Dahiya, Dara Singh, Tulsi, Sukhraj and Rajesh Godru have filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for brevity, 'Cr.P.C.') for grant of anticipatory bail in complaint case No.155-1 dated 26.3.2014 titled as 'Rajbir vs. Shamsher Singh Dahiya and others' pending in the Court of Judicial Magistrate Ist Class, Hisar, wherein, they have been summoned vide order dated 23.3.2016 to face trial under Sections 323, 325, 506, 148, 149, 120-B of the Indian Penal Code, Section 13 of the Prevention of Corruption Act, 1988 (for brevity, 'P.C.Act, 1988') and Section 3(X) of the Scheduled Castes

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and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity, 'SC & ST Act').

Notice of motion was issued in this case. Learned State counsel put in appearance on behalf of respondent No.1-State and complainant also appeared through his counsel. They contested this petition.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that the petitioners have been summoned in a complaint case.

It is admitted that no sanction has been obtained for pursuing the complaint against the petitioners under Section 13 of the P.C.Act, 1988. Otherwise also, the petitioners are public servants and sanction under Section 197 Cr.P.C. is also required to prosecute them for the offences under the Indian Penal Code etc. As regards SC/ST Act, learned counsel for the petitioners argued that as per the complainant, the occurrence took place in jail. However, there is nothing in the complaint that words regarding caste have been uttered publically.

In pursuance of the interim order dated 04.01.2017 passed by this Court, the petitioners have already appeared before the trial Court. They are now only to face the trial. They are not required for any interrogation or investigation purposes.

Keeping in view the facts and circumstances of the present case; without discussing the facts of the case in minute details and without expressing any opinion on the merits of the case, I find that no useful

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purpose will be served by sending the petitioners to custody. Therefore, finding merit in the present petition, the same is allowed. The order dated 04.01.2017, granting interim bail to the petitioners, is made absolute.

However, nothing stated above shall constitute my opinion on the merits of the case.

30.10.2018
parveen kumar

(INDERJIT SINGH)
JUDGE

Note:	Whether speaking/reasoned	:	Yes
	Whether reportable	:	No