IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No.M-5097 of 2018 (O&M)
Date of Decision: May 09, 2018

Jaspal Rana

.....PETITIONER(s).

VERSUS

State of Haryana and another

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioner (s).

Ms. Neelam Kashyap, D.A.G. Haryana.

Mr. Sawan Choudhary, Advocate
for respondent No.2-complainant.

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SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in complaint case No.4 of 2015 dated 28.04.2015 titled *"Raj Pal Vs. Jaspal Singh @ Mota Foji"* for the offence punishable under Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (later referred to as 'the SCST Act').

Heard.

Learned counsel for the petitioner submits that petitioner has appeared before the trial Court and has been allowed interim bail under the order of this Court dated 07.02.2018.

As per the allegations in the complaint, there was dispute regarding the supply of goods on the ration depot of petitioner. The matter

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earlier went to the *Panchayat* and compromised. Thereafter, a news item was published in a newspaper regarding embezzlement of ration by the petitioner and a notice was issued to the complainant by the petitioner on 14.11.2014. It was thereafter that this complaint was filed on 28.04.2015 with the allegation that whenever the complainant had been approaching the petitioner, he had threatened to kill him and also used abusive language calling him '*Dedh, Chamar, Kamin'*. Complainant has not given the date or time or place of the occurrence when these words were addressed to him by the petitioner. The matter is before the trial Court where the complainant-respondent No.2 may prove his allegations to make out offence punishable under the provisions of the SCST Act.

Keeping in view the above facts but without expressing any opinion on the merits of the case, this petition is allowed and order dated 07.02.2018 is made absolute subject to following terms:-

a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.

b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.

c. He shall not leave the country without the prior permission of the Court.

(SURINDER GUPTA)
JUDGE

May 09, 2018
Sachin M.

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

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