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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-52484-2018

Date of Decision : December 06, 2018

Jagdeep Singh

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr. Vinod K. Kaushal, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
for respondent-State.

Mr. Arun Takhi, Advocate.
for respondent No.2/Complainant.

SHEKHER DHAWAN, J.

Present petition under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail in Complaint Case No. 65 dated 15.5.2017 (Annexure P/1) under Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the Act").

2. Learned counsel for the petitioner contended that the petitioner has been falsely implicated in this case as the real dispute between the parties is pending before Civil court of competent jurisdiction. In fact, application filed under Order 39 Rules 1 and 2 C.P.C. was adjourned

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without granting stay to respondent no.2 and because of that, the petitioner has been falsely implicated. So, the petitioner be admitted to bail.

3. Learned State counsel as well as learned counsel for respondent no.2/complainant contended that as the allegations against the petitioner are for commission of offence punishable under Section 3(1)(x) of the Act, present application is not maintainable as per bar under Section 18 of the Act. On this point reliance was placed upon judgment from Hon`ble Apex Court in **Bachu Das V. State of Bihar and others, 2014 (1) R.C.R. (Criminal) 975**, wherein identical matter was before Hon`ble Apex Court.

4. In view of the fact that the petitioner has been summoned on a complaint wherein learned Magistrate had applied its judicious mind and passed the summoning order for offence under Section 3(1)(x) of the Act and as per provisions of Section 18 of the Act as also the view taken by Hon`ble Apex Court in **Bachu Das's case (supra)**, the present petition seeking pre-arrest bail is without any merit.

5. Resultantly, the present petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

December 06, 2018

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Whether speaking/reasoned? :	Yes
Whether reportable? :	Yes