

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

107

CRM No.M-5324 of 2018

Date of decision:8.2.2018

Jaideep

... Petitioner

versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.S.S.Momi, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

Learned counsel for the petitioner submits that no allegation with regard to any offence punishable under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, having been made against the petitioner, and the only allegation against him being that he along with others, armed with *dandas*, beat up the complainant, he is entitled to the concession of anticipatory bail.

Having considered the aforesaid argument, even if it is to be presumed (without obviously any opinion expressed in that regard at this stage), that no offence under the Act of 1989 is made out, simply because an offence punishable under Section 323 IPC is a non-cognisable offence, would not entitle the petitioner to the concession of anticipatory bail because an offence punishable under Section 148 IPC has also been alleged to have been committed by the petitioner and his co-accused.

The concession of anticipatory bail in such a situation, is to be granted where there is a doubt in any manner that the applicant may have

been falsely roped in.

The petitioner having been subsequently named by the complainant on the date that he was attacked, as one of those who gave him beatings, alongwith the other co-accused, in the manner described in the FIR, that concession, in the opinion of this Court, is not available to him.

Consequently, this petition is dismissed.

However, nothing stated herein above will be taken as an observation of this Court either in favour or against the petitioner as regards merits of the case registered against him, which naturally would be gone into by the investigating agency, and the competent Court at the appropriate stage.

All observations made herein above are only in the context of granting the anticipatory bail to the petitioner.

8.2.2018
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No