

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

(i) CRM No.M-53429 of 2018 (O&M)

Suresh Kumar

...Petitioner

VERSUS

Sukhbir Yadav and others

...Respondents

(ii) CRM No.M-53497 of 2018 (O&M)

Suresh Kumar

...Petitioner

VERSUS

Karnail Singh and others

...Respondents

Date of Decision: December 04, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.I.D.Singla, Advocate
for the petitioner.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as these have arisen from same complaint and point for determination is the same.

Petitioner has filed these petitions under Section 439(2) Cr.P.C. for cancellation of anticipatory bail granted to the respondents in complaint case No.203 dated 16.08.2016 under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Sections 323, 452, 500, 504, 506, 166, 167 and 380 IPC.

I have heard learned counsel for the petitioner and have gone

through the record.

Learned counsel for the petitioner mainly argued on one point that anticipatory bail has been granted by the learned Court of Session in complaint case under Section 3 of SC/ST Act etc. I have gone through the contents of the complaint. Firstly, the present petitioner is stated to have been arrested by the respondents, who were police officials and after medical, petitioner was kept in police lock-up and he was also produced before the Court in another case. As per the record, there is no previous sanction under Section 197 Cr.P.C. regarding the offence under IPC. Secondly, in the complaint, one of the necessary ingredient that accused belongs to upper caste, is not mentioned. Nothing is clear, after the perusal of the complaint, whether all the accused or any of them belong to scheduled caste or upper caste. The accused have been summoned by the Court and they are only to face trial.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I do not find any ground to cancel the anticipatory bail granted to the accused-respondents by the Court of Session.

Therefore, finding no merit in both the petitions, the same are dismissed.

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

December 04, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No