

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

CRM-M-6872-2019 (O&M)

Date of decision: 3.4.2019

Sumit

... Petitioner(s)

VERSUS

State of Punjab

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Gurinder Pal Singh, Advocate, for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

RAJ SHEKHAR ATTRI, J. (Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.175 dated 8.12.2018 registered for the offences punishable under Sections 323, 354 of Indian Penal Code and Section 3(1) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, at Police Station Sadar, District Hoshiarpur.

Heard.

It is mentioned in the FIR that on 5.12.2018 at about 5:30 p.m., when the petitioner went to his fields, he found that the wood was illegally collected/stolen by the complainant party. There were altercation and it is alleged that the petitioner has manhandled. However, the complainant and her associates had apologised for the same but subsequently they moved an application before Senior Superintendent of Police on 7.12.2018.

In the incident that was occurred on 5.12.2018, nothing has

been mentioned that the petitioner has committed any offence under Section

3(1) of SC & ST Act. However, on the third day i.e. on 7.12.2018, the ladies of the family of the petitioner came to the house of the complainant and they told the complainant that his son will beg pardon. However, the ladies threatened.

Learned State counsel on instructions from ASI Raj Kumar states that the petitioner has joined the investigation and is no more required for custodial interrogation.

Liability of the petitioner qua offence under Section 3(1) of SC & ST Act is debatable.

Without expressing any opinion on the merits of the case, this petition is allowed and the order dated 14.2.2019 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation as and when required by the police;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the trial Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

(RAJ SHEKHAR ATTRI)
JUDGE

April 3, 2019
Paritosh Kumar

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No