

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

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**CRM-M No.12020 of 2019.
Date of Decision: 08.04.2019.**

Dalbir Singh

....Petitioner.

Versus

State of Haryana

....Respondent.

CORAM: HON'BLE MR. JUSTICE SHEKHER DHAWAN

Present: Mr. Rajesh Bansal, Advocate for the petitioner.

Ms. Tanushree Gupta, Deputy Advocate General, Haryana.

Shekher Dhawan, J.

Present petition under Section 482 read with Section 438 of the Code of Criminal Procedure is for pre-arrest bail to the petitioner in case F.I.R. No.81 dated 13.02.2019 under Section 323 of the Indian Penal Code and Section 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'S.C. & S.T. Act), registered at Police Station City Fatehabad, District Fatehabad.

Allegations against the petitioner are that he abused the complainant in the name of her caste with the remarks “Chura-Chura”. He misbehaved with the complainant in the Panchayat, whereas complainant belongs to Scheduled Caste while petitioner-Dalbir Singh is from general category.

Learned counsel representing the petitioner contended that the petitioner has been falsely implicated in the case because of inimical relation and the petitioner is ready to join the investigation.

Learned State counsel opposed the petition on the ground that there is complete bar for release of such an accused on bail in the case and the present petition is liable to be dismissed.

Having considered the submissions made by learned counsel for both the parties and appraisal of record of this case, this Court is of the considered opinion that the present petition is not maintainable because the allegations against the petitioner are covered under Section 3 of S.C. & S.T. Act. However, without expressing anything on the merits of the case, at this stage, which may not cause prejudice to either of the parties and taking into consideration the bar imposed as per Section 18 of the S.C. & S.T. Act, no case is made out for release of the petitioner on anticipatory bail.

In view of the above, the present petition is dismissed.

(SHEKHER DHAWAN)
JUDGE

08.04.2019
jitender

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No