

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12345-2019 (O&M)
Date of Decision:-18.3.2019

Rakesh Kumar and another ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Atul Lakhanpal, Senior Advocate with
Mr. Arvindpal Singh, Advocate for the petitioners.

GURVINDER SINGH GILL, J.(Oral)

The petitioners have approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.51 dated 11.3.2019 registered at Police Station City Rajpura, District Patiala under Sections 447, 323, 506, 147 and 149 of Indian Penal Code and Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015).

The learned counsel for the petitioners has submitted that infact the grandfather of the petitioners had taken factory premises comprising of two tin sheds on rent from Tikan Dass. Said Tikan Dass had filed an ejectment petition but the same was dismissed vide order dated 4.11.2010 (Annexure P-2) passed by Rent Controller, Rajpura. The learned counsel has submitted that despite the dismissal of the said ejectment petition, the landlord wanted to throw out the petitioners forcibly and fearing their forcible dispossession, the petitioners approached Civil Court by way of

filing a suit for permanent injunction, wherein interim injunction has been issued in their favour. The learned counsel has further submitted that in order to defeat the aforesaid interim injunction, now the complainant/landlord, with the help of the sitting MLA Hardy Singh Kamboj, who is also interested in the property in question, had got a false case instituted against them, wherein allegations pertaining to Scheduled Castes and Scheduled Tribes Act have also been levelled. The learned counsel has further submitted that infact no offence under Scheduled Castes and Scheduled Tribes Act is made out as the alleged utterances were not made in public view.

Having heard the learned counsel for the petitioners and while noticing that it is a case where some dispute regarding property has been going on amongst the parties, this Court, at this stage, would not like to make any observation as to whether the FIR in question has been lodged falsely or not.

However, bearing in mind the facts and circumstances of the case, the petition is disposed of with a direction that in case the petitioners surrender before the trial Court within a period of one week from today and move an application for grant of regular bail in the forenoon of the day, the learned trial Court shall endeavour to dispose of the same expeditiously preferably on the same day of filing of such application.

18.3.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether reasoned/speaking

Yes / No

Whether reportable

Yes / No