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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-13180-2019

Date of Decision : April 03, 2019

Manju and others

.... Petitioners

Versus

State of Haryana

.... Respondents

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Argued by Mr. Naresh Kaushik, Advocate,
for the petitioners.

Ms. Tanushree Gupta, DAG, Haryana,
for respondent-State .

SHEKHER DHAWAN, J.

Present petition under Section 438 of the Code of Criminal Procedure is for releasing the petitioners on anticipatory bail in case FIR No. 103 dated 6.3.2019 (Annexure P/1) under Sections 186, 34 and 506 of Indian Penal Code and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "**the Act**"), registered at Police Station Rai, District Sonapat.

2. Learned counsel for the petitioners contended that the petitioners have been falsely implicated in this case because of previous litigation and as a counter-blast and the petitioners are ready to join the investigation. So, they be allowed to join the investigation and be released on anticipatory bail.

3. Learned State counsel has opposed the bail application of the petitioners on the ground that the present petition for anticipatory bail is not

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maintainable as there are specific allegations of offence punishable under Section 3 of 'the Act'. As per the allegations, the petitioners had called the complainant in the name of his caste and also caused obstruction in the official work/checking of theft by complainant Jogender who belongs to *Chamar* caste. There is complete bar for anticipatory bail under Section 18 of 'the Act'.

4. Having considered the submissions made by learned counsel for the parties and appraisal of record of this case file, this Court is of the considered view that there are specific allegations regarding uttering of words against caste of the complainant, who was performing his official duties as Junior Engineer. The matter requires investigation.

5. No case is made out for grant of concession of pre-arrest bail to the petitioners. The present petition stands dismissed.

(SHEKHER DHAWAN)
JUDGE

April 03, 2019

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Whether speaking/reasoned?	:	Yes
Whether reportable?	:	Yes