

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-13465 of 2019

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Date of decision:10.05.2019

Gurnaib Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. N.S. Chahal, Advocate for Mr. J.S. Brar, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab for the respondent-State.

Mr. Ashok Khunger, Advocate for the complainant.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.50 dated 25.6.2018 registered for the offences under Sections 352, 426, 427, 448, 451 and 452 IPC and Section 3(1)(f), 3(1)(r), 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) (hereinafter referred to as 'the SC & ST Act') at Police Station Bariwala, District Sri Muktsar Sahib.

Notice of motion has been issued in this case.

Mr. Dhruv Dayal, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and Mr. Ashok Khunger, learned Advocate has appeared for the complainant and contested this petition.

I have heard learned counsel for the parties and learned State

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counsel appearing for the respondent-State and have gone through the record.

Learned counsel for the petitioner submitted that civil litigation was pending and the suit filed by the complainant was decided in favour of the petitioner and against the complainant. Learned counsel for the petitioner further submitted that false case has been filed against the petitioner and it has also been argued that no offence under Section 3 of the SC & ST Act is made out as the words regarding caste etc. were even not stated in the public view as per the FIR etc.

The present petitioner has already joined the investigation. As stated he is not required for any custodial interrogation. No useful purpose will be served by sending the petitioner to custody. The offences under 452 and under the SC & ST Act are only non-bailable offences.

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 find merit in this petition and the same is allowed. The interim order dated 26.3.2019 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

May 10, 2019.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No