

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

CRM-M-39082-2015

Date of decision: August 19, 2019

Sarabjit Singh

....Petitioner

Versus

Pooja Devi and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. R.K. Dadwal, Advocate for the petitioner.

Mr. J.T. Singh, Advocate for respondent No.1.

Mr. Joginder Pal Ratra, DAG, Punjab
for respondent No.2-State.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in the petition is for quashing of complaint No.29 dated 8.4.2015 under Sections 452/323/341 IPC and Section 4, 5 and 6 of the SC/ST Act as well as the summoning order dated 28.9.2015 passed by the trial Court vide which the petitioner was summoned under Sections 452/323 IPC read with Section 3(x) of the Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989.

Counsel for the petitioner, at the very outset submits that the petitioner himself is a Scheduled Caste and, therefore, his summoning under Section 3(x) of the SC/ST Act is not legally sustainable. Counsel for the petitioner further submits that before filing of the complaint, the complainant had given an application to the local police, which was enquired into by the SHO, Police Station, Mukerian and vide report dated 21.6.2014, the said complaint was filed observing that no truth was found therein. Counsel for the petitioner further submits that he wants to withdraw this petition with

liberty to move an appropriate application for discharge before the trial Court.

Counsel for the petitioner has also referred to the order dated 19.11.2015 vide which while issuing notice of motion, the arrest of the petitioner was stayed. Counsel for the petitioner further submits that in pursuance of the said order, the petitioner has already furnished bail bonds/surety bonds before the trial Court and is facing the trial.

Learned State counsel has no serious objection to the same.

In view of the same, counsel for the petitioner is permitted to withdraw the present petition with liberty to the petitioner to move an application for discharge before the trial Court within a period of one month from today and the trial Court shall decide the same on merit expeditiously, preferably within a period of two months thereafter.

Till the decision of the application, interim bail granted to the petitioner shall remain operative.

Dismissed as withdrawn with liberty aforesaid.

August 19, 2019
satish

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No