

In the High Court of Punjab and Haryana at Chandigarh

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(1) Criminal Misc. No.M-48830 of 2018

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Date of decision:11.02.2019

Dr. Kulbir Singh

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

(2) Criminal Misc. No.M-53076 of 2018

.....

Premilla

.....Petitioner

v.

State of Haryana and another

.....Respondents

....

Present: Mr. Aman Pal, Advocate for the petitioner in Cr. Misc. No.M-48830 of 2018.

Mr. Pankaj Bali, Advocate for the petitioner in Cr. Misc. No.M-53076 of 2018.

Mr. Tanuj Sharma, Assistant Advocate General, Haryana for the respondent-State.

Mr. Sanjay Vashisth, Advocate for complainant-respondent No.2.

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Inderjit Singh, J.

This order will dispose of the above mentioned two petitions filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.738 dated 15.10.2018 registered for the offences under Sections 506 IPC and Section 3(1)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the SC & ST Act') at Police Station Gharaunda, District Karnal.

Notice of motion was issued in these cases.

Mr. Tanuj Sharma, learned Assistant Advocate General, Haryana has appeared on behalf of the respondent-State and Mr. Sanjay Vashisth, learned Advocate has appeared for the complainant-respondent No.2 and contested these petitions.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

The present FIR is under Section 506 IPC and Section 3(1)(x) of the SC & ST Act.

Learned counsel for the petitioners argued that one of the necessary ingredients in the present FIR that the complainant belongs to the Scheduled Caste and the accused belongs to upper caste is missing. Learned counsel for the petitioners further argued that false complaint has been filed as Dr. Kulbir Singh is Senior Medical Officer and the complainant is working as Medical Officer under him. Petitioner-Premilla is Staff Nurse. Learned counsel for the petitioners further argued that Dr. Kulbir Singh-petitioner, as per Annexure-P.2, has issued so many letters and show cause notice regarding the absence and other behaviour of the complainant about one year earlier to the FIR. Therefore, there is motive for implication of the present petitioners in the FIR.

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 these petitions and the same are allowed. The interim orders dated 12.11.2018 and 30.11.2018 respectively passed by this Court granting interim bail to the petitioners are

made absolute. However, the petitioners 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.

February 11, 2019.

(Inderjit Singh)
Judge

hsp

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