

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

227

CRM-M-37928-2019

Date of decision : 22.10.2019

Gurdeep Singh

... Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Amaninder Singh Sekhon, Advocate for the petitioner.

Mr. N.K. Banka, DAG, Punjab.

None for respondent No.2.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking anticipatory bail in Criminal Complaint No. COMI/0001442/2014, COMI/199/2014 RT-30 28.08.2014/26.05.2015 titled as Rimpay Kaur v. Kulwant Singh and others, under Sections 436, 452, 325, 323, 295, 295-A, 148, 149 and 120-B of the Indian Penal Code, 1860, besides Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ('SC&ST Act' - for short).

Learned counsel for the petitioner contends that the allegations against the petitioner *prima facie* do not constitute an offence under the SC&ST Act, as in the complaint before the police with regard to same incident on 15.07.2014, the complainant along with others had merely alleged that their houses were wrongly declared as illegal by the Deputy Commissioner and the officials of the administration and the police had tried to demolish the same.

These officials were also accompanied by the petitioner including the Sarpanch and other members of the village panchayat. He also contends that two of the

accused also belong to scheduled castes and, therefore, they could not have been proceeded under the SC&ST Act. He further contends that the similarly situated co-accused Jaspal Singh and others have been granted anticipatory bail by this Court by order dated 14.05.2019 passed in CRM-M No. 16120 of 2019.

This Court, by the order dated 09.09.2019, had directed the petitioner to appear before the trial Court and on his doing so, he was to be released on ad-interim bail to the satisfaction of the trial Court/Duty Magistrate.

Learned counsel for the petitioner states that in terms of order dated 09.09.2019, the petitioner had appeared before the trial Court on 20.09.2019 and had been granted interim bail. He has furnished a copy of the order dated 20.09.2019 passed by the Judicial Magistrate 1st Class, Faridkot, which is taken on record.

In view of the above and keeping in view the fact that the petitioner has surrendered before the trial Court, the order dated 20.09.2019 granting interim bail to the petitioner is made absolute.

The petition stands disposed of.

(ANUPINDER SINGH GREWAL)
JUDGE

October 22, 2019

sonia gugnani

Whether speaking/reasoned	:	Yes
Whether Reportable	:	Yes/No