

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

CRM-M-11967-2020 (O&M)

Date of decision: 27.05.2020

Gurmukh Singh

...Petitioner

Versus

State of Haryana

...Respondent

**CORAM: HON'BLE MR.JUSTICE H.S. MADAAN**

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

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**H.S. MADAAN, J. (Oral)**

Case taken up through video conferencing.

This petition for pre-arrest bail under Section 438 Cr.P.C. has been filed by petitioner Gurmukh Singh, an accused in FIR No.63 dated 12.03.2020, for offences under Sections 148, 149, 323, 324, 307, 341, 506, 326 IPC and Section 3(1)(r), 3(1)(s), 3(2)(v), 3(2)(va) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act'), registered with Police Station Ismailabad, District Kurukshetra.

Section 18 of the Act bars grant of pre-arrest bail to persons accused of committing an offence under the Act. Although, learned counsel for the petitioner has contended that no offence under the Act is disclosed against the present petitioner but a perusal of the FIR goes to

show that there are specific allegations that all the accused including the present petitioner abused complainant Charan Dass who in the FIR had claimed himself to be belonging to Scheduled Caste category, stating that accused abused him in the name of his caste, stating that on that day, they would kill Scheduled Caste boys. In the incident, assailants have been named as Ajay Goraya armed with sword, his brother Prince armed with gandasi, Amarjeet Singh armed with binda, Maninder Sodhi armed with binda, Manpreet Singh armed with danda, Vachitar Singh armed with danda and Gurmukh Singh (present petitioner) armed with danda accompanied by several other persons. The allegations in the FIR above referred do make out a case under Section 3 of the Act. Therefore, the present petition is not maintainable and is dismissed accordingly.

27.05.2020

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**(H.S. MADAAN)**  
**JUDGE**

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