

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

CRM-M No.12798 of 2020
Date of decision: 1st June, 2020

Damandeep Kalra @ Lucky Kalra

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Navdeep Singh, Advocate for the petitioner.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of outbreak of pandemic COVID-19.

Petitioner Damandeep Kalra alias Lucky Kalra has come up in this first anticipatory bail application under Section 438 Cr.P.C. in case bearing FIR No.36 dated 18.03.2020 under Section 3(1)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short, 'the Act') pertaining to Police Station Division No.6, Jalandhar.

Present case was got registered by an organization claiming that they belong to Dalit community. It is alleged that the petitioner Damandeep Kalra alias Lucky Kalra had uttered castist remarks against Ms. Nain Jassal, a PCS officer posted as Regional Transport Officer,

Jalandhar after it was revealed that the petitioner was dealing in illegal registration of vehicles in the office.

Learned counsel for the petitioner Mr. Navdeep Singh, Advocate inter alia contends that the present case has been got registered by a third party, an organization, which do not have any locus-standi and the exact words uttered have not been detailed in the complaint and therefore no offence under Section 3 of the Act is made out.

Learned State counsel Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab though has not displaced the factual scenario but has strongly opposed the bail on the grounds that a senior functionary, a Class I officer, has been demeaned in the eyes of general public and therefore the petitioner is not entitled to any relief.

Going through the submissions of the two sides, the very words used and by what means the same have demeaned the community or the officer in the eyes of public at large, are not elicited in the allegations. Thus, the very applicability of Section 3 of the Act is a debatable issue which can only be adjudicated at the trial. Nothing is to be recovered from the petitioner. In view thereof, this Court is of the opinion that sending the petitioner behind bars in the present case would be a travesty of justice and his joining the investigations would suffice the purpose. Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so he shall be released on

bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he shall abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

June 1, 2020

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No