

In the High Court of Punjab and Haryana, at Chandigarh

Criminal Misc. No. M-20556 of 2020

Date of Decision: 27.07.2020

Manjit Singh

... Petitioner(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Ashish Aggarwal, Advocate
for the petitioner(s).

Mr. Dhruv Dyal, Deputy Advocate
General, Punjab for respondent No.1.

Anil Kshetarpal, J.

The petitioner prays for cancellation of pre-arrest bail granted to respondent No.2 in a criminal case arising from FIR No. 113 dated 04.06.2020, registered under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as “the 1989 Act”) on the ground that under the 1989 Act, there is no provision for grant of pre-arrest bail.

Learned Additional Sessions Judge, after appreciating the facts of the case, has observed that from the perusal of the file, *prima facie*, no case under the 1989 Act is made out. The observations of the learned Additional Sessions Judge are in para 12 of his order dated 10.06.2020, which are extracted as under:-

*“There are no allegations as to what was said in
the public view. Neither it is clear from the allegations of the*

complainant in the FIR that any derogatory remarks were made. Hence, the alleged notification is not applicable to the facts of the present case. Simply by registering the case under section 3(1) (s) of SC/ ST Act (Amendment 1015). It cannot be said that case has now fallen under SC/ST Act. As such, without mentioning any derogatory remarks, straightway it cannot be said that derogatory remarks were made against the caste of Labh Singh employee of the complainant. As such, without commenting upon the merits of the case, this court finds that it is a fit case where the concession of anticipatory bail can be granted to the accused/applicant. Hence, the present bail application of the accused/applicant is hereby allowed subject to compliance of section 438(2) Cr.P.C.”

Keeping in view the aforesaid facts, no ground is made out to cancel the pre-arrest bail granted to respondent No.2.

Dismissed.

(Anil Kshetarpal)
Judge

July 27, 2020

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No