

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

**CRM-M-22371-2020 (O&M)
Date of Decision: 17.09.2020**

PARAMJIT SINGH

.....PETITIONER

VERSUS

STATE OF PUNJAB

....RESPONDENT

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr.N.P.S. Mann, Advocate
for the petitioner.

Mr. R.P.Singh, DAG, Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C in case bearing FIR No.103 dated 12.10.2019, registered under Section 3 (1) (x) of The Scheduled Caste and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 447/511/323/505/294-A/148/149 IPC at Police Station Sadar Phagwara District Kapurthala.

The FIR was lodged by Ravi Pal son of Swaran Chand with the allegations that on 12.10.2019 at about 10.00 A.M., when he came at the Gurudwara Sahib then he heard some noise. The land of *Langar* is situated on the back side of Gurudwara Sahib where preparation of *Langar* was in progress.

On hearing the noise of tractor, the complainant opened the gate and saw that the gate of passage was closed with bricks then the complainant along with other boys came on the land of Gurudwara from other side and restrained the accused from demolishing/ possessing the land of *Langar*. Mandeep Singh and Paramjit Singh (petitioner) with 3-4 unknown persons attacked the complainant with sharp edge weapons. The complainant started running in order to save himself, then Mandeep Singh threw a brick towards him, which hit on his head. Jatinder alias Kappa gave a *danda* blow and they started using abusive and filthy language qua the religion of the complainant. The accused party dug out the earth with JCB Machine and proceeded towards the wall of the Gurudwara Sahib with JCB machine, tractor and trollies. On raising alarm by the complainant, many people came there and on seeing them accused party fled away from the spot by leaving their tractors, trollies and JCB machines.

Perusal of the aforesaid allegations would show that the allegations regarding the alleged utterances are in respect of religion.

Learned counsel for the petitioner submits that the petitioner and the complainant are the followers of the same religion.

Vide order dated 27.08.2020, the Coordinate Bench of this Court specifically asked the learned State counsel to indicate as to the specific abuses in the name of caste, if any, attributed to the petitioner.

Learned State counsel states that except the language used in the FIR there was no specific utterance made by the petitioner.

Having heard the learned counsel for the parties, I am of the view that it would be debatable as to the complicity of the petitioner in terms of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

In view of above, petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 22.10.2020 at 11.00 AM and in the event of his arrest, he shall be released on anticipatory bail on his furnishing adequate bail/surety bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country,
without prior permission of the Court and shall
surrender his passport, if any.

17.09.2020
shabha

(RAJ MOHAN SINGH)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No