

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

CRM-M-22345 of 2019

DATE OF DECISION :- February 20, 2020

Parbjot Singh

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-24845 of 2019

Deepak @ Vikram

...Petitioner

Versus

State of Haryana

...Respondent

CRM-M-25194 of 2019

Sandeepak and others

...Petitioners

Versus

State of Haryana

...Respondent

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

Present:- Mr. Parminder Singh, Advocate for the petitioner(s).

Mr. Gaurav Arora Legal Aid Counsel for the complainant.

Ms. Dimple Jain, AAG, Haryana.

My this order shall dispose of three petitions for grant of pre
arrest bail bearing CRM-M-22345 of 2019 filed by Parbjot Singh, CRM-M-

24845 of 2019 filed by Deepak @ Vikram and CRM-M-25194 of 2019 filed by Sandeepak and others, all of them being accused in F.I.R. No. 0080 dated 24.1.2018 filed under Sections 148, 149, 323, 324, 506, 34 IPC and offence under Sections 3(i) and 3(ii) (5A) of SC/ST Act, 1989 added later on registered with Police Station Civil Lines, Karnal.

Briefly stated the fact of the case as per prosecution story are that complainant Sandeep Kumar son of Sh. Ramphal, aged about 23 years resident of village Dingar Majra, Police Station Ghraunda, District Karnal had submitted a written complaint to the Superintendent of Police, Karnal, wherein he stated that he was B-Tech. pass and was preparing for IAS examination while remaining at home. He had friendship with Sumit, a resident of his village and living in his neighborhood. Sumit used to call his friends by taking mobile phone of the complainant. The complainant was not aware as to whom he had been making the calls. On 9.1.2018 at about 7.56 A.M., the complainant received a call from Sumit asking him to accompany him to Karnal for purchasing clothes and to advise him in the matter. He again made a call to the complainant at 8.09 A.M. whether he was ready. The 3rd call was made at 10.36 A.M. Then both of them proceeded from their village to Karnal at about 11.00 A.M.. When they reached Karnal then Sumit told the complainant that they were to meet somebody at Atal Park, Sector 9, and he had to take money and thereafter they would go to market. In the meanwhile, they sat in the park. Sumit took phone of the complainant. He sat at a distance of 50 meters and talked to Jyoti Phullia, who was already present in the park. Sumit went to that girl

and the complainant remained sitting there. After some time six boys carrying knives and sticks came there. They threatened the complainant that they would teach him a lesson for talking with the girl. When the complainant protested that he had not done so then they tried to kill him. One boy caught hold of his head whereas the second boy was about to attack on his abdomen with his knife. When the complainant turned slightly, he received a knife blow on his left thigh. The other two boys also attacked the complainant with knives. The other boys gave him fist and leg blows. Then somebody sitting in the park raised an alarm at which all the assailants ran away along with their knives threatening that if any action was taken against them then a case of eve teasing with the girls would be slapped upon them. On being informed the police arrived at the spot and took the injured to Kalpana Chawla Government Medical Hospital, Karnal. The police went to the said hospital and even when the complainant was discharged and sent home, the police did not recorded his statement and did not take any action. The injured had been medico legally examined which revealed three sharp injuries.

On registration of F.I.R., apprehending their arrests, the petitioners had approached the Court of Sessions for grant of anticipatory bail but they were unsuccessful, therefore, they have approached this Court with a similar prayer which is being opposed by the State counsel as well as by counsel appearing for the complainant.

I have heard learned counsel for the petitioners, learned counsel for the complainant and learned State counsel besides going through record.

The petitioners are seeking bail in a case which has been registered for offences under Sections 3(i), 3(ii) and (5A) of SC/ST Act, 1989. Section 18 of the said Act clearly bars the grant of pre arrest bail to the persons accused of the said offences. It provides that Section 438 of the Code shall not apply to the persons committing an offence under the Act. On account of that bar the petitions for pre arrest bail cannot be allowed and are doomed for failure. Those are dismissed accordingly.

(H.S. MADAAN)
JUDGE

February 20, 2020
p.singh

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