

S.No.103

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

CRM-M-25188 of 2020 (O&M)

Date of Decision:01.09.2020

Jasmer Singh

.....Petitioner

Vs.

State of Haryana

.....Respondent

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Amit Choudhary, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.305 dated 09.08.2020 registered under Sections 323, 506 & 34 IPC and Section 3 of SC & ST Act at Police Station Dabua, District Faridabad.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. In fact, this is a dispute regarding Management of a Gurdwara, qua which the complainant wants exclusive rights. The petitioner had only objected to that. All other allegations are totally frivolous and false. The incident is recorded even in the CCTV footage. The said footage clearly show that, rather, it is the complainant who is in aggressive tone. No fight of any kind has taken place. Still further, it is submitted that there is not even utterance of caste related words. Hence, the provisions of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (for short, 'the SC/ST Act) are not even attracted in the present case. The allegation qua this has been included by the complainant only to take the case out of the purview of Section 438 Cr.P.C.

Not only this, the complainant is habitual of misusing his caste status by

levelling false allegations. Earlier also, the same complainant had lodged the similar FIR under the SC/ST Act levelling allegations of casteist remarks. However, after investigation, that FIR has been cancelled by the Police.

Notice of motion.

Mr. R.S. Jhand, Addl. AG, Haryana, accepts notice on behalf of the State.

Learned State Counsel, being instructed by ASI Sachin, has submitted that there are specific allegations against the petitioner. The complainant has specifically alleged that the petitioner had used caste indicative words. However, learned counsel for the State has not denied the existence of the CCTV footage. It is also not denied that there is no injury of any kind to the complainant. Further, it is also not disputed that earlier also, the same complainant had lodged an FIR using his caste status.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bonds/ surety bonds to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

September 01, 2020
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(RAJBIR SEHRAWAT)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No