

107 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25842-2020
Date of Decision: 21.12.2020

KAMALJIT KAUR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: Hon'ble Mr.Justice Deepak Sibal

Present: Mr.Rishabh Gupta, Advocate for the petitioner
Mr.Hittan Nehra, Additional A.G. Punjab

Deepak Sibal, J. (Oral)

Case taken up through Video Conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.130 dated 19.08.2020 registered under Section 3(1), 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, the Act) and Section 67 of I.T. Act, 2000 at Police Station Bullowal, District Hoshiarpur.

Briefly stated, the case of the prosecution is that the petitioner and her son have made and circulated an audio clip in which abusive language has been used against the Scheduled Caste and Scheduled Tribe community and in particular women belonging to such community.

Learned counsel for the petitioner submitted that the petitioner, who is a 45 years old lady, has been falsely implicated in the case; no case under the Act is made out against her as she herself belongs to *Adharmi* community and in this regard attention of the Court is drawn to the

Schedule Caste certificate of the petitioner (Annexure P3); even if the allegations in the complaint are taken as the gospel truth, though vehemently denied, no case is made out against the petitioner as the voice in the audio clip is denied to be that of the petitioner and till date the same is not proven to be hers; there is no other criminal case in which the petitioner is involved and under interim orders of this Court dated 15.10.2020 the petitioner has not only joined investigation she has fully cooperated with the investigating agency.

Learned State counsel submits that under interim orders of this Court the petitioner has joined investigation; fully cooperated with the investigating agency and that her custodial interrogation is not required.

After considering the totality of the above noted facts and in particular the statement made on behalf of the State that the petitioner has joined investigation and that her custodial interrogation is not required ad interim anticipatory bail granted to the petitioner on 15.10.2020 is made absolute.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

21.12.2020
gk

(Deepak Sibal)
Judge

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