IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

107

CRM-M No.27209 of 2020
DATE OF DECISION : 10th SEPTEMBER, 2020

Satnam Singh @ Satbir Singh @ Satta

…. Petitioner

Versus

State of Punjab

…. Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

==========
In virtual Court
==========

Present: Mr. Vikas Gupta, 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/pre-arrest bail in case FIR No.107 dated 01.08.2020 registered under Sections 323, 325, 452, 354, 506 & 34 IPC and Section 3(i) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (in short, the SC/ST Act), at Police Station Valtoha, District Tarn Taran.

It is contended by counsel for the petitioner that the case against the petitioner is totally false and frivolous. Even as per the allegations of the complainant, the petitioner is attributed a simply injury. Besides this, there is no specific allegation against the petitioner. So far as the allegations qua the offence under the SC/ST Act are concerned, it is submitted by the counsel that on the face of it, the allegations are not against the petitioner. Otherwise also the complainant has not even disclosed as to which caste she belongs. Therefore, the provisions of SC/ST Act are not even attracted in the present case. Still further, it is

RAJ KUMAR
2020.09.11 16:11
I attest to the accuracy and
integrity of this document
Chandigarh

submitted that there has been delay of three days in lodging the FIR. This time has been utilized by the complainant to fabricate the allegations against the petitioner. Hence the petitioner deserves the concession of anticipatory bail.

Notice of motion.

Mr. Ramdeep Partap Singh, DAG, Punjab, accepts notice on behalf of the State.

Learned State counsel, on instructions from SI Kewal Singh, has submitted that the name of the petitioner is specifically mentioned in the FIR. However, it is not disputed that the injury, allegedly attributed to the petitioner, is simple in nature. It is also not disputed that the allegations qua the comments, inviting the SC/ST Act, are not attributed to the present petitioner.

In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds/surety to the satisfaction of Arresting/Investigating Officer. However, 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.

10th SEPTEMBER, 2020 **(RAJBIR SEHRAWAT)**
'raj' **JUDGE**

Whether speaking/reasoned: *Yes* *No*

Whether Reportable: *Yes* *No*

RAJ KUMAR
2020.09.11 16:11
I attest to the accuracy and
integrity of this document
Chandigarh