

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

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IN VIRTUAL COURT

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**CRM-M No. 28779 of 2020
Date of decision : 22.9.2020**

Jang Singh and others

.....Petitioners

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Vikas Gupta, Advocate, for the petitioners

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioners under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No. 107 dated 1.8.2020, registered under Sections 323, 325, 452, 354, 506, 34 IPC and Section 3(i) of SC and ST (Prevention of Atrocities) Act, 1989, at Police Station Valtoha, District Tarn Taran.

It is submitted by the counsel for the petitioners that the case against the petitioners is false and frivolous. Even as per the allegations, petitioner No. 1 is alleged to have caused injuries on the arm of the complainant with a stick. No injury is attributed to petitioner No.2. Petitioner No. 3 is alleged to have caused a spade blow from the side of the handle on the backside of the shoulder of the complainant. Still further, it is submitted that all the injuries are on the non-vital parts of the complainant. The highest offence invoked on account of the injuries is under Section 325 IPC, which is bailable one. It is also submitted that there is not even an allegation against

petitioners No.1 and 3 qua the offence under the SC and ST Act. Although there are allegations against petitioner No.2 that he used caste indicative words, however, the alleged incident is stated to have occurred inside the house of the complainant and not in public view. Still further, the complainant has not even stated anywhere in the FIR that her caste has been declared a scheduled caste under any law. Accordingly, it is submitted that the provisions of SC and ST Act are not even attracted in this case. In the end, it is also submitted by the counsel for the petitioners that the falsity of the allegations made by the complainant is clarified by the very fact that she has involved even the son of petitioner No.1, although, he was admitted in the hospital on the said date. Besides this, there is three days delay in lodging the FIR, which has been used by the complainant to concoct the story.

Notice of motion.

Mr. Pawan Sharda, DAG, Punjab, accepts notice on behalf of the State.

It is submitted by the counsel for the State, being instructed by SI Kewal Singh, that the names of all the petitioners have been specifically mentioned in the FIR. There are specific allegations against the petitioners qua causing injuries to the complainant; and there is allegation against petitioner No.2 qua using the caste indicative words against the complainant. However, it is not disputed that the offence invoked for the highest injury in this case is bailable in nature; and that the alleged incident has occurred inside the house of the complainant and not in public view.

In view of the above, but without commenting any further on the

merits of the case, the present petition is allowed. It is ordered that the petitioners shall join the investigation as and when so required by the Investigating Agency. However, in case of arrest, the Investigating Officer is directed to release the petitioners on bail on their furnishing bail bonds/surety to his satisfaction. It is further directed that the petitioners shall also observe the other conditions as required under Section 438(2) of Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

22.9.2020
Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No