

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

(204)

CRM-M No.28333 of 2019

Date of decision: 06.03.2020

Rimpi Luthra and others

...Petitioners

Versus

Gurmej Singh and another

...Respondents

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Ankur Bansal, Advocate
for the petitioners.

Mr. Jagmohan Singh Ghumman, DAG, Punjab.

Ms. Harmanpreet Kaur, Advocate for
Mr. J.S.Thakur, Advocate
for respondent No.1.

RAJ MOHAN SINGH, J. (Oral)

Petitioners seek grant of anticipatory bail under Section 438 Cr.P.C in Criminal Complaint No. 285/2017 dated 23.05.2017 titled as Gurmej Singh Versus Vipan Luthra and others, under Section 3 (X) of the Schedule Caste and Schedule Tribes (Prevention of Atrocities) Act, 1989.

On 08.07.2020, the following order was passed:-

“Learned counsel for the petitioners submits that Vipin Luthra, husband of petitioner No.1 was inducted as tenant in the shop of respondent. There was a dispute with the landlord, who is a retired police official and threw away the articles lying in the shop to get it vacated. Matter was reported to the police vide FIR No.107 dated 29.07.2016 registered at Police Station Adampur. On 30.07.2016, respondent Gurmej Singh made a representation to the Senior Superintendent of Police (Rural) Jalandhar regarding the registration of false FIR, wherein he did not allege any incident dated 23.07.2016 or 29.07.2016, which is subject matter of the complaint filed by him in the Court on 22.05.2017. Even in his statement before the police (Annexure P-6) and of his witness (Annexure P-7), no reference regarding the alleged incident attracting the provisions of Section 3 (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was disclosed. The police after investigation, presented the challan in case FIR No.107 dated 29.07.2016 on 12.01.2017. As a counter blast, the complaint was filed on 22.05.2017, putting forth a fabricated story of the incident dated 23.07.2016 and 29.07.2016 attracting the provisions of Section 3 (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. In the complaint, petitioners were also arrayed as accused being relatives of tenant Vipin Luthra and were summoned despite the fact that they had no dispute with the complainant.

From the submissions of learned counsel for the petitioners, it is prima facie made out that there is dispute over the tenancy of shop owned by the complainant, who is facing trial in the FIR got registered by tenant Vipin Luthra. Instant complaint in which petitioners were summoned was filed much after registration of case against complainant.

Notice of motion for 30.09.2019.

Petitioners are directed to surrender before the police and join investigation within two weeks. In the event of their arrest being required, they shall be released on interim bail till the next date, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them.

State of Punjab is also arrayed as party (respondent No.2) in this petition. Notice be also issued to Advocate General, Punjab.

Senior Superintendent of Police (Rural), Jalandhar is directed to get the matter in the complaint enquired by an officer not below the rank of Deputy Superintendent of Police and report on or before the next date of hearing.”

Learned counsel for the petitioners submits that in compliance of the order dated 08.07.2019, petitioners have already appeared before the trial Court and have been granted interim bail. Order dated 08.07.2019 has been corrected by

subsequent order dated 17.07.2019 to that extent.

This fact has not been disputed by learned State counsel, on instructions from ASI Nirmal Singh, and states that the petitioners are not required for any further investigation of the case.

In view of the aforesaid position, order dated 08.07.2019 as corrected, vide order dated 17.07.2019, is made absolute. Petitioners will keep appearing before the trial Court on each and every date.

Petition stands disposed of.

(RAJ MOHAN SINGH)
JUDGE

06.03.2020
Pardeep

Whether speaking/reasoned	Yes/No
Wether reportable	Yes/No