

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35940-2019
Date of Decision: 23.01.2020

Gurmej Singh

... Petitioner

v/s

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. R.K.Arya, Advocate for the petitioner.

Ms. Jasleen Kaur, AAG, Punjab assisted by
ASI Kuldeep

* * *

VIVEK PURI, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.26 dated 26.06.2018 registered under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Qadian, District Gurdaspur.

On 30.08.2019 following order was passed:

“Learned counsel for the petitioner contends that the police themselves had found the petitioner not to be involved in this case. Petitioner has now been summoned by the Trial Court in an application moved under Section 319 Cr.P.C. Still it is further contended that even as per the version given in the FIR, no offence under Scheduled Castes and the Scheduled Tribes(Prevention of Atrocities) Act, 1989(for short, 'SC & ST Act') is made out. It is further contended that the complainant has not disclosed as to which specific caste she belongs. Nor any

humiliating words in the name of the caste have been used by the petitioner. Still further, it is submitted that mere use of some alleged expletives against the complainant would not bring the case within the scope of SC & ST Act. Hence, the provision of SC & ST Act are not even attracted in this case.

Notice of motion for 23.01.2020.

In the mean-time, petitioner may appear before the Trial Court on or before 12.09.2019. It is further ordered that in any case, petitioner appears before the Trial Court then he shall be released on interim bail by the Trial Court till the next date of hearing.”

It has been stated that petitioner has only been summoned under Section 319 Cr. P.C. whereas Ranjit Kaur @ Manjit Kaur against whom the challan was presented was granted pre-arrest bail by the Co-ordinate Bench of this Court vide order dated 13.11.2018 in CRM-M-36353-2018.

Learned State counsel, on the instructions from ASI Kuldeep, has not disputed the fact that petitioner has surrendered in the Court.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 30.08.2019 is made absolute.

The petition stands allowed.

However, petitioner shall furnish fresh bail bonds within a reasonable time to be granted by the trial Court to its satisfaction.

23.01.2020
Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No