

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

208

**CRM-M No.42431 of 2019
Date of Decision: 22.1.2020**

SATBIR KAUR

.....Petitioner

Vs

STATE OF PUNJAB & ANR

.....Respondents

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

Present: Mr.Nitesh Singla, Advocate
for the petitioner.

Mr.J.S.Ghumman, DAG, Punjab.

RAJ MOHAN SINGH, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No. 0153 dated 4.7.2019 under Sections 3 and 5 of the SC & ST (Prevention of Atrocities) Act, 1989 and Section 67 of the I.T.Act, 2000 (added later on) registered at Police Station City Kharar District SAS Nagar, Mohali.

While issuing notice of motion on 26.11.2019, following order was passed:-

“Prayer is for grant of anticipatory bail in case FIR No.0153 dated 04.07.2019 under Sections 3 & 5 of SC & ST (Prevention of Atrocities) Act, 1989 (Section 67 of I.T Act, 2000 added later on) registered at P.S City Kharar, District SAS Nagar Mohali.

The FIR was registered on the complaint of one Lakhan Singh, who stated that he belongs to Ramdasiya caste and his wife Rajwinder Kaur belongs to Jat Sikh family. His brother in law/Gurlaljit Singh and his wife Satbir Kaur used to offend him by using filthy language pertaining to the caste. The specific allegation is that on 13.10.2018, Gurlaljit Singh and his wife sent an SMS to the wife of the complainant on phone that they would message the son of the complainant in Canada and would tell him that he was the son of 'Churra Chamiyar'.

Learned counsel for the petitioner contends that during investigation, it has transpired that SMS was not found to be sent from the phone of the petitioner. Moreover, the alleged abuses have not been uttered in public, hence the provisions of SC/ST Act with regard to the alleged offence are not attracted.

Notice of motion for 22.01.2020.

Meanwhile, in the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/Investigating Officer, subject to the conditions provided under Section 438 (2) Cr.P.C. The petitioner is also directed

to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned State counsel, on instructions from ASI Narender Singh, states that the petitioner has joined the investigation and mobile phone has also been recovered from co-accused of the petitioner.

During investigation, it has transpired that SMS was not found to be sent from the phone of the petitioner and the alleged abuses were also not in public view. The prima facie consideration on the aforesaid issues would give rise to some debatable contentions during trial.

At this stage, without meaning anything on the merits of the case, interim order dated 26.11.2019 is made absolute. However, the petitioner shall keep on joining the investigation as and when required to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands disposed of accordingly.

January 22, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

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