

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-6115-2020 in/and
CRM-M-53500-2019 (O&M)
Date of Decision:- 27.2.2020

Gurpreet Singh

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amritpal Singh Gill, Advocate, for the petitioner.

GURVINDER SINGH GILL, J. (Oral)

CRM-6115-2020

In view of the reasons mentioned in the application, the same is allowed as prayed for and the zimni orders passed by trial Court are taken on record as Annexure P-5.

CRM-M-53500-2019 (O&M)

The petitioner seeks grant of anticipatory bail in respect of a criminal complaint No.582, dated 9.7.2015, instituted against him by Sardool Singh in respect of offences under Sections 452, 323, 363, 366, 499, 500, 34 IPC and Section 3(1)(x) of Schedule Caste and Schedule Tribes Act.

The allegations, in nutshell are that on 8.5.2014 at about 6 a.m. Jasvir Singh, SHO Police Station City, Malout, Krishan Kumar, Special

Staff, Police Station Malout, Gurpreet Singh, Hawaldar, City, Malout, C.Jasvir Singh, City, Malout, C. Balkaran Singh, City, Malout, entered into the house of the complainant forcibly and started beating the complainant and his wife and also used abusive language against the caste of the complainant and used objectionable words i.e. "*Kutte Churiya Mazbi nu Aaj Wal Sikha diyo*". It is further the case of the complainant that the aforesaid persons took away the complainant forcibly in a police vehicle and although his wife kept on requesting the said persons for not doing so and also raised hue and cry but the accused persons did not relent and dragged the complainant by his hair and also gave beatings to him while again using objectionable words "*Kuttia, Chuhria, Mazhbia*".

The complainant himself stepped into the witness box as CW-1 and also examined his wife Chindo as CW-2 and a witness Gurmit Singh as CW-3 in preliminary evidence, pursuant to which all the accused were summoned vide summoning order dated 24.9.2015.

Despite the fact that when the petitioner was summoned, he was posted in the same police station at Malout, the summons issued repeatedly for securing his presence remained unserved. Subsequently, after about 4 years i.e. on 23.1.2019 one HC Gurpreet Singh was served and who appeared in the Court and informed that accused No.3 Gurpreet Singh is a different person who stands transferred to Sri Muktsar Sahib. Consequently fresh summons were issued repeatedly from 23.1.2019 onwards and although a perusal of order dated 31.7.2019 shows that he had been duly served but he did not appear. Consequently the trial Court issued Bailable Warrants for securing his presence.

A perusal of order dated 26.8.2019 shows that the Bailable Warrants had been executed but despite the same the petitioner did not choose to appear and consequently the trial Court was constrained to issue Non-Bailable Warrants for 18.9.2019.

A perusal of order dated 18.9.2019 shows that the petitioner did come present in the Court but ran away from there and consequently the trial Court was again constrained to issue Non-Bailable Warrants for his presence.

Keeping in view the aforesaid conduct and also the fact that some of the offences pertain to SC/ST Act wherein fetters as imposed under Section 18 of the Act would come into play, this Court does not find any ground for grant of anticipatory bail.

The petition is sans any merit and the same is dismissed.

However, in case the petitioner surrenders before the trial Court within a period of one week from today and applies for grant of regular bail, the learned trial Court shall endeavour to dispose of the same expeditiously.

February 27, 2020

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No