

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

**CRM-M No.55161 of 2019
Date of Decision: 27.01.2020**

Jai Bhagwan Verma

.....Petitioner

Versus

State of Haryana and another

.....Respondents

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

Present: Mr. K.S. Dhaliwal, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

Respondent No.2 in person.

RAJ MOHAN SINGH, J.

[1]. Petitioner seeks grant of anticipatory bail in criminal case/RBT No.40 of 18.04.2019 under Sections 166/506 IPC, Section 7 of the Prevention of Corruption Act and Section 3(x) of the SC/ST Act pending in the Court of Judicial Magistrate First Class, Jind.

[2]. Notice of motion was issued on 20.12.2019. On 16.01.2020, fresh notice was again issued to respondent No.2 for today. Respondent No.2 has come present in person.

[3]. Learned counsel for the petitioner submitted that FIR

No.305 was registered on 15.09.2014 under Sections 307, 341, 186, 353, 332, 382, 427 IPC and under Section 25 of the Arms Act in Police Station Safidon District Jind against daughter of the complainant and other family members of the complainant. In the said FIR, daughter of the complainant was granted anticipatory bail by the High Court. Initial investigation of the said case was with the petitioner, but ultimately, challan was presented by the then Inspector/SHO on 03.09.2015 i.e. before the alleged occurrence. Petitioner was a witness in the said case. After trial of the said case, seven accused were convicted and five accused including daughter of the complainant were acquitted by the Court of Additional Sessions Judge, Jind vide judgment dated 24.01.2017. Thereafter, the present complaint came to be filed.

[4]. Judicial Magistrate First Class, Jind on the basis of preliminary evidence has summoned the petitioner for the offences under Sections 166/506 IPC, under Section 7 of the Prevention of Corruption Act and under Section 3(x) of SC & ST Act vide order dated 11.09.2019.

[5]. As per allegations in the FIR, the petitioner came to meet the complainant in the Court premises at Jind on 04.09.2015. As per earlier discussion, they had conversation near tea shop and the complainant asked the petitioner about

filing of the challan of his daughter and the manner, in which he would render the help to the complainant. On that, the petitioner promised to give every possible help, but asked as to how much money, the complainant have brought. The complainant took out Rs.5000/- from his pocket and gave it to the petitioner and after counting the same, the petitioner became angry and started abusing the complainant that he is not a beggar. On hearing commotion, Sohan Lal son of Prem Chand was also attracted to the spot who was having tea nearby. Sohan Lal is already known to the complainant. Petitioner became more angry and he started calling the complainant by derogatory words in the name of his caste with an intention to insult him in the society and also started threatening the complainant.

[6]. Judicial Magistrate First Class, Jind summoned the petitioner on the basis of preliminary evidence of CW 1 Dharam Chand, CW 2 Sharif and CW 3 Sohan Lal.

[7]. Whether the alleged utterances have been made in public view with an intention to humiliate the complainant in the eyes of public, would be debatable on the basis of quality of evidence to be produced by the complainant before the trial Court. It would also be debatable as to whether the petitioner was in the knowledge of the complainant being a member of schedule caste. All these necessary ingredients are to be

adjudged by the trial Court.

[8]. The prayer for grant of anticipatory bail in the light of Section 18 of SC/ST Act is disposed of at this stage, by directing the petitioner to surrender before the Judge, Special Court, Jind within a week and file regular bail in accordance with law. In the event of doing so, Judge, Special Court, Jind shall proceed to decide the prayer for regular bail within a week thereafter in accordance with law. Till such decision, coercive method for securing the presence of the petitioner in pursuance of order of summoning passed by Judicial Magistrate First Class, Jind may not be resorted to.

[9]. Petition stands disposed of accordingly.

27.01.2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether reasoned/speaking Yes/No

Whether reportable Yes/No