

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-1392-2021****Date of Decision: 21.01.2021**

Vikram Singh Rana

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Rakesh Sobti, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Hardev Singh.

Mr. P.S.Ahluwalia, Advocate, for the complainant.

*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)**

1. At the time of issuance of notice of motion on 12.01.2021, the following order was passed:

“The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.208, dated 5.12.2020, Police Station Navi Baradari, District Police Commissionerate, Jalandhar, under Section 3(1) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act.

The facts, as borne out from perusal of instant petition are that complainant Harbans Lal had executed two agreements dated 24.3.2008 for sale of his land to the petitioner and to his wife but despite having taken a substantial amount, the complainant had failed to execute the sale deed. Consequently, a civil suit for specific performance came to be filed by wife of the petitioner which was decreed on 24.4.2012 (Annexure P-1). Thereafter, upon an appeal having been filed by the complainant Harbans Lal, the

Court of learned Additional District Judge, Hoshiarpur set aside the said judgment and decree passed by Civil Judge (Junior Division) and remanded the suit to the Civil Judge (Junior Division). The petitioner's wife however, filed an appeal in this Court i.e. SAO No.64 of 2019 which is pending in this Court.

As per the averments made by the petitioner, the complainant thereafter filed as many as 14 different complaints against the petitioner in order to pressurize the petitioner and to usurp the amount already received by complainant from petitioner and to avoid execution of sale-deed, which were all dismissed excepting from the one from which the instant FIR has arisen.

The allegations, in the instant FIR are to the effect that the complainant belongs to Scheduled Caste community and that a civil case filed by him has been pending in the Court at Hoshiarpur since 2008 in respect of two acres of land against Vikram Singh Rana (petitioner). It is alleged that the petitioner, in order to pressurize complainant in said civil case, had got a false criminal case registered against him and against other members of his family in which they were ultimately acquitted on 5.11.2016. Although, Vikram Singh Rana is alleged to have filed a revision petition against the aforesaid acquittal but the said revision petition came to be dismissed on 27.10.2017.

Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that it is not a case that the petitioner had ever uttered any objectionable utterances and that the only allegation as mentioned in the FIR therein is to the effect that the petitioner had instituted a false FIR against the complainant and other members of his family. It has been submitted that in fact the complainant and others got acquitted way back in the year 2016 and that in these circumstances the instant FIR lodged in the year 2020 is nothing but an abuse of process of law.

Learned counsel has further submitted that even as per FIR, the criminal case had been lodged by Vikram Singh Rana in

order to pressurize the complainant in the civil case which was pending, which would show that the motive for lodging FIR is not for committing any offence in respect of SC/ST Act but in order to pressurize the complainant in respect of the civil suit and that in these circumstances no offence can *prima facie* be said to be made out under SC/ST Act.

Notice of motion for 21.1.2021.

At this stage Mr. P.S.Ahluwalia, Advocate, has put in appearance on behalf of the complainant and has opposed the grant of interim relief mainly on the ground that even if no objectionable utterances have been made, the instant petition is a case arising out of land dispute wherein at one point of time the complainant had been falsely implicated and consequently the provisions of which 3(1)(p) of the Act would be attracted in conjunction with presumption under Section 8 of the Act. It has also been submitted that in fact when an identical prayer for stay of arrest of the petitioner was made in a petition filed by the petitioner for quashing of the FIR, no order pertaining to stay of arrest was issued.

I have considered the aforesaid submissions.

Having regard to the facts in the present case wherein the petitioner came to be acquitted in the year 2016 whereas the instant FIR was filed in the year 2020 and the fact that the main reason alleged in the FIR is to pressurize the complainant in respect of the civil case, this Court is *prima facie* of the opinion that no offence under Section 3 of the Act can be said to be made out.

As regards the contention of the complainant to the effect that no interim relief was granted to the petitioners in that petition filed for quashing of the FIR, this Court finds that the provisions of Section 438 Cr.P.C. are independent and entirely different from provisions of Section 482 Cr.P.C. and the same would not be curtailed by the fact that no interim relief was granted to petitioner in preliminary hearing of petition filed under Section 482 Cr.P.C. for quashing of FIR.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

2. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation.
3. Having regard to the facts and circumstances of the case, it will be debatable as to whether an offence under Section 3(1)(p) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act is attracted or not. In any case, the petitioner has already joined the investigation and his custodial interrogation is not required. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 12.01.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
4. It is, however, made clear that none of the observations, as recorded in the order dated 12.01.2021 shall be taken to be an expression on merits of the main case.

21.01.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No