IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-2450-2021
Date of decision:-19.1.2021

Hardev Singh and others

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Munish Puri, Advocate
for the petitioners.

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H.S. MADAAN, J.

Case taken up through video conferencing.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioners – Hardev Singh aged about 53 years, Lovepreet Singh @ Golu aged about 28 years and Gurpreet Singh, aged about 26 years, all of them being accused in FIR No.165 dated 29.12.2020, under Section 3 of **Scheduled Castes** and the Scheduled Tribes (Prevention of Atrocities) **Act**, 1989 (hereinafter referred to as the Act), registered with Police Station Dorangla, District Gurdaspur.

At the very outset, it may be mentioned that Section 18 of the Act clearly bars grant of pre-arrest bail to person (s) committing offence under the Act and for that very reason, learned Additional Sessions Judge,

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Gurdaspur before whom a petition for anticipatory bail was filed earlier had dismissed the same vide order dated 11.1.2021.

A perusal of the FIR goes to show that there are clear allegations against Gollu and Neeta sons of Hardev Singh as well as Hardev Singh petitioner scolding complainant Bira Singh belonging to scheduled caste with caste related words, which prima-facie come within the mischief of Section 3 of the Act.

Learned counsel for the petitioners contended that there is delay in lodging of the FIR and FIR has been lodged by the complainant on account of civil dispute between the complainant and the petitioner, with a malafide intention and he has referred to various judgments i.e. ***Pritpal Singh and others Versus State of Punjab*** passed by this Court in CRM-M-55813 of 2018 decided on 22.1.2020, ***Satwinder Singh alias Sidhu Versus State of Punjab*** passed by this Court in CRM-M-22548-2017 decided on 7.9.2017, ***Jagir Chand Versus State of Punjab, 2002(4) RCR(Criminal) 445, Pala Singh Versus State of Punjab, 2000(1) RCR(Criminal)817*** and ***Gurdeep Singh Versus State of Punjab, 2002(4) RCR(Criminal)539***.

However, I find that the arguments advanced by learned counsel for the petitioners and judgments cited by him do not help the petitioners in any way. While determining the question whether the accused is entitled to pre-arrest bail or not, the merits of the case are not to be gone into deeply. The aspects with regard to delay in lodging of the FIR and there being civil litigation pending before the parties and the FIR allegedly having been got recorded as a counter-blast etc. shall be gone

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into by the trial Court and those need not be probed in depth by this Court. The judgments cited do not find application to the present case due to different facts and circumstances and the context in which such observations have been made.

Thus in view of the bar of Section 18 of the Act, the instant petition is not maintainable and is dismissed accordingly.

19.1.2021 **(H.S.MADAAN)**
Brij **JUDGE**

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No

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