

In virtual Court

CRM-M-14907-2020

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14907-2020 (O&M)
Date of decision: 24.09.2021

Arun Mishra

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.D. Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Rishabh Gupta, Advocate
for respondent No.2.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in Criminal Complaint bearing No.COMA-678/2017 titled as Vijay Kumar Vs. Arun Mishra, wherein vide order dated 07.01.2020, the petitioner has been summoned to face trial under Section 7(d) of Protection of Civil Rights Act, 1955 read with Section 3 of SC&ST Act read with Section 506 IPC.

While granting interim bail to the petitioner, following order was passed by this Court on 12.06.2020: -

“...Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated. Initially FIR was lodged on statement of respondent No. 2-Vijay Kumar. On investigation the police found that no such occurrence as alleged had taken place and exonerated the petitioner and filed cancellation report which was accepted by the Magistrate without prejudice to filing of the complaint by respondent No. 2. On above said complaint filed by respondent No. 2, the petitioner has been summoned. The allegations are false, frivolous and made mala fide and no prima facie case is made out against the petitioner. The petitioner is ready to appear before the concerned court on the date fixed and abide by the terms and conditions regarding his appearance...”

Learned counsel for the petitioner submits that in pursuance of the aforesaid order, the petitioner has already put in appearance before the trial Court on 26.06.2020 and he has been released on interim bail subject to his furnishing bail/surety bonds. Copy of the order dated 26.06.2020 is taken on record.

Learned State counsel, on instructions from the Investigating Officer, has not disputed the factual position.

Learned counsel for respondent No.2 has, however, raised an objection that this petition is not maintainable in view of bar under Section 18 of SC&ST Act.

Be whatsoever, considering the fact that the petitioner was granted interim bail on 12.06.2020 and there is no complaint that in the intervening

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period of more than one year, he has misused the concession in any manner, this petition is allowed and the interim bail granted to the petitioner vide order dated 12.06.2020 is made absolute subject to the conditions envisaged under Sections 438 (2) Cr.P.C.

24.09.2021
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No