

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

**CRM-M-19233-2021
Date of decision: 17.05.2021**

Gurmukh Singh and another

...Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Gagandeep Singh Bajwa, Advocate
for the petitioners.

(through video conferencing)

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in a Complaint case No. COMI/296/2017 dated 24.07.2017, filed under Section 3(10) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'SC/ST Act'*) read with Sections 452/323 IPC, Police Station Kathunangal, Amritsar Rural, pending in the Court of JMIC, Amritsar.

Learned counsel for the petitioner, at the very outset, relies upon order dated 29.04.2021 passed in CRM-M-18092-2021, vide which two of the co-accused have been granted concession of anticipatory bail by this Court. The operative part of the order reads as under:

“Learned counsel for the petitioners submits that on a previous occasion, petitioner No.1 Narinder Singh got FIR No. 18 dated 06.02.2017, under Sections 379, 427, 506, 148, 149 of the IPC registered against complainant/respondent No. 2 Sarabjit Singh and others with the allegations that Sarabjit Singh and others have

committed offence on account of political rivalry.

Learned counsel further submits that aforesaid complaint has been filed by Sarabjit Singh under Section 3(1) of the SC/ST Act read with Sections 452, 323 of the IPC with the allegations that on 28.04.2017, the petitioners and others have caused injuries to complainant side and have also abused them in the name of their caste.

Learned counsel further submits that thereafter, the trial Court, vide order dated 10.01.2020, has summoned the petitioners to face trial. It is further submitted that petitioners are ready to appear before the trial Court and face the trial, however, they apprehend that they may not be granted bail in view of the provisions of the SC/ST Act as the Court of Magistrate has no power to grant them bail.

Learned counsel further submits that aforesaid complaint is filed as a counter-blast to the aforesaid FIR, in which the petitioners are complainant and present complainant (Sarabjit Singh) is one of the accused persons.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab and Mr. A. D. S. Jattana, Advocate, who are also appearing through video conferencing, accept notice on behalf of the respondent-State and respondent No.2/complainant, respectively.

Learned counsel for respondent No. 2/complainant *inter alia* contends that there is a bar under Section 18 of the SC/ST and the petitioners are not entitled to get anticipatory bail.

Learned counsel for respondent No. 2/complainant further submits that there are specific allegations against the petitioners and the same are supported by the medical

evidence.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the fact that petitioners have been summoned to face trial in a complaint case filed by respondent No. 2/complainant and they are ready to face trial, the present petition is allowed.

The petitioners are directed to appear before the Illaqua Magistrate/trial Court/Duty Magistrate on or before 24.05.2021 and on doing so, they will be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the Illaqua Magistrate/trial Court/Duty Magistrate.”

Learned counsel for the petitioners further submits that petitioners are ready to appear before the trial Court and face the trial.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab, who is also appearing through video conferencing, accepts notice on behalf of the respondent-State and submits that there is a bar under Section 18 of the SC/ST Act and, therefore, the petitioners are not entitled to get the concession of anticipatory bail.

After hearing learned counsel for the parties, without making any comment on the merits of the case, considering the facts that co-accused have already been granted concession of anticipatory bail as noticed above, subject to the conditions that they will appear before the trial Court, the present petition is allowed.

The petitioners are directed to appear before the Illaqua Magistrate/trial Court/Duty Magistrate on or before 17.06.2021 and on

doing so, they will be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of the Illaqua Magistrate/trial Court/Duty Magistrate.

17.05.2021

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No