

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-33226-2021

Date of decision : 01.11.2021

Balwinder Singh @ Babbu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Janak Singh Bhinder, Advocate
for the petitioner.

Mr.N.K.Banka, DAG, Punjab.

(Through Video Conferencing)

VIKAS BAHL, J.(ORAL)

This is first petition under Section 482 Cr.P.C. read with Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR no.63 dated 11.05.2020 registered under Sections 452, 323, 506, 34 IPC and 3(1)(x) of Schedule Caste and Schedule Tribe Act, (Prevention of Atrocities) Act, 1989 (in short 'the Act') at Police Station Cheema, District Sangrur.

Learned counsel for the petitioner has submitted that in the present case, the petitioner has been falsely implicated on account of there being a dispute with respect to Panchayati land. It is further submitted that co-accused of the petitioner namely Jagga Singh belongs to the same caste as the complainant.

Learned State counsel, on instructions from ASI Jasbir Singh,

has vehemently opposed the bail application and has submitted that in the present case, as per the prosecution version, the petitioner armed with *danda* along with co-accused had trespassed into the house where the complainant, who is a lady, was staying and gave blow with the *danda* on her back and blow with a brick on her left toe and there are as many as 3 injuries caused to the said lady and further, words have been attributed to the present petitioner which shows that *prima facie*, offence under Sections 452, 323, 506 read with Section 34 IPC and Section 3(1)(x) of the Act is made out and as per the bar under Section 18 of the Act, the petitioner is not entitled to anticipatory bail.

This Court has heard learned counsel for the parties.

As per the allegations in the FIR, it has been specifically stated that the petitioner armed with a *danda*, along with co-accused, entered the house of the complainant and had given a *danda* blow on her back and brick blow on her left toe and on account of that the complainant had suffered three injuries. Further specific attribution has been made with respect to the words spoken by the petitioner, so as to constitute an offence under Section 3(1)(x) of the Act. The argument of learned counsel for the petitioner to the effect that there is a panchyati dispute, however, is very vague, without there being any detail as to what the dispute is and as to why the complainant has been falsely implicated in the present case.

Keeping in view the above said facts and circumstances and also the bar under Section 18 of the the Act, the present petition for anticipatory bail is dismissed.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed

independently of the observations made in the present case which are only
for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

November 01, 2021
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No