

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr.No.102

CRM-M No.35398 of 2021

Date of Decision: 27th August, 2021

Rishabh

...Petitioner

Versus

State of Haryana

...Respondent

(Heard through Video-Conferencing)

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. M. S.Kathuria, Advocate,
for the petitioner.

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MEENAKSHI I. MEHTA, J. (ORAL)

The petitioner herein seeks the relief of anticipatory bail in the criminal case arising out of the FIR bearing No.471 dated 06.08.2021 registered at Police Station Shahabad, District Kurukshetra, under Sections 186, 332, 333, 353 read with Section 34 IPC wherein the offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short "SC & ST Act") is stated to have been added later on.

Bereft of unnecessary details, the allegations, as levelled in the subject FIR, are that the complainant named Rameshwar Dass is a Government employee and is posted as Sweeper-cum-Chowkidar (Watchman) in the Government Girls High School, Subhash Nagar, Shahabad and while he was discharging his official duty, the petitioner and

his co-accused caused injuries to him with gandasi and danda as he belongs to the scheduled caste.

Mr. Apoorv Garg, learned Deputy Advocate General, Haryana, has joined the proceedings in this case in pursuance of the copy of this petition having been sent to the respondent-State in advance and he has forwarded the copy of the statement of Bikramjit, the son of the complainant-injured, as recorded under Section 161 Cr.P.C, to this Court through “*WhatsApp Group for Video Conferencing*” and the same is taken on the record.

I have heard learned counsel for the petitioner as well as learned State counsel in this petition and have also perused the file thoroughly.

Learned counsel for the petitioner contends that the name of the petitioner does not find mention in the said FIR and moreover, from the contents thereof, no offence under Section 3 of the SC & ST Act is made out in this case and in these circumstances, the petitioner deserves the relief as prayed for in this petition.

Per contra, learned State counsel points out that in his above-said statement, the son of the complainant-injured has nominated the petitioner as one of the assailants who had caused injuries to his father and has also specifically alleged that the said assailants belong to the upper castes whereas they (he as well as the complainant) belong to the scheduled caste and due to this reason, the petitioner and his co-accused had caused injuries to his father and he argues that it being so, this petition

deserves dismissal.

Though, the name of the petitioner does not find mention in the FIR but in his afore-said statement, the son of the complainant has specifically named him (petitioner) as one of the assailants who had caused injuries to his father. As regards the offence under Section 3 of the SC & ST Act, the said statement contains specific allegations as pointed out earlier by learned State counsel. The veracity or truthfulness of this statement can and shall be looked into and ascertained by the trial Court at the appropriate stage after appreciating and evaluating the evidence that may be led on the record during the trial proceedings. Moreover, while deciding the instant petition as moved for seeking anticipatory bail, it would not be appropriate for this Court to comment or express any opinion qua the said offence having been made out or not because the investigation in the case is still at the nascent stage.

Further, Section 18 of the SC & ST Act specifically provides that the provisions of Section 438 Cr.P.C shall not be applicable in the case involving the arrest of any person on the accusation of having committed an offence under this Act.

Keeping in view the above-discussed facts and circumstances and the gravity of the offence, as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory bail.

Resultantly, the petition in hand stands dismissed accordingly.

However, it is clarified that nothing contained here-in-before

shall be construed to be an expression of the opinion of this Court on the merits of the case.

(MEENAKSHI I. MEHTA)
JUDGE

27.08.2021
seema

Whether speaking/reasoned?	Yes
Whether Reportable?	No