

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

105

**CRM-M-36751-2021 (O&M)
Date of Decision: 07.09.2021**

Chetan Rana

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Ashit Malik, Advocate for the petitioner.

SUDIP AHLUWALIA, J. (ORAL)

This petition is for grant of anticipatory bail to the petitioner in case FIR No.39 dated 30.03.2021 registered under Sections 3(1)(c), 3(1)(r), 3(1)(s) and 3(1)(t) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, "the SC/ST Act") (later on Sections 148, 149, 323, 325, 427 and 506 of the Indian Penal Code, 1860 have been added) at Police Station Jhansa, District Kurukshetra.

2. It has been submitted by learned Counsel for the petitioner that the ingredients to constitute the offences under the aforesaid provisions are not made out since the caste of the complainant as well as the accused persons has not been disclosed in the FIR.

3. Learned Counsel for the petitioner has further submitted that in any case his client's name has not been mentioned as one of the accused/culprits in the concerned occurrence.

4. After perusing the FIR (Annexure P-1) this Court finds no substance in the aforesaid submissions.

5. Perusal of the FIR clearly goes to show that the complainant has mentioned that he belongs to the lower “Sainsi” caste and has also stated that he was attacked, assaulted and insulted by the accused persons three of whom had been named among the group of 20/25 persons who had indulged in such offence, whose names were not mentioned, and that all of them belong to the “Rajput caste” and had attacked and assaulted the petitioner on account of his lower caste status. So it cannot be said that the ingredients of the offences under the SC/ST Act are not made out.

6. The fact that the petitioner is specifically not named in the FIR is also not convincing enough since he was apparently one among the several unnamed accused persons belonging to the Rajput caste who have been referred to in the FIR, and whose complicity appears to have transpired during investigation.

7. This Court, therefore, finds that the present petition for anticipatory bail cannot be considered in view of the statutory bar of Section 18 of the SC/ST Act.

8. Dismissed.

07.09.2021

Vinay

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No