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

CRM-M No.42685 of 2021 (O&M)

Date of decision: 12.10.2021

Bhagwant Singh Randhawa and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Amit Dhawan, Advocate
for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Navraj Singh, Advocate
for the complainant.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioners in FIR No.189 dated 07.09.2021 registered under Sections 3(1)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015) (in short 'the SC&ST Act') at Police Station Rama Mandi, District Jalandhar.

Counsel for the petitioners has argued that petitioner No.1 is aged about 67 years and petitioner No.2 is aged about 58 years and they are husband and wife and are senior citizens. It is further submitted that in fact, the dispute of the petitioners is with their own son namely Prince Randhawa @ Prince, who wanted to perform marriage with a

girl namely Ramanpreet Kaur, who belongs to SC/ST Caste and prior to his marriage, there was some private conversation between the petitioners on one side and their son Prince Randhawa @ Prince and Ramanpreet Kaur on the other side, in which it is alleged that the petitioners have used some derogatory words against the community of Ramanpreet Kaur. It is further submitted that later on, Prince Randhawa @ Prince performed the marriage with Ramanpreet Kaur on 26.03.2021.

Counsel for the petitioners has further submitted that much prior to the performance of the marriage, the petitioners have disowned their own son by issuing a notice in the newspaper on 14.09.2016 as he used to maltreat the petitioners. It is further submitted that after performing the marriage, the atrocities of Prince Randhawa @ Prince increased as he wanted the petitioners to be ousted from the house which the petitioners have purchased on 10.04.1997. It is also submitted that on 22.03.2021, the petitioners received a telephonic call from a lady who claimed to be President of some Crime Branch and asked them to come to the Police Station Rama Mandi, Jalandhar. The petitioners went there and met with one ASI Tehal Dass, who put pressure on the petitioners to transfer the property in the name of Prince Randhawa @ Prince otherwise, they will be falsely implicated in some case.

Counsel for the petitioners has relied upon certain documents which the petitioners obtained under the RTI Act for the purpose of calling them in the Police Station and putting pressure to sign a draft compromise dated 24.03.2021 to which the petitioners did

not accede.

Counsel for the petitioners has also argued that the petitioners by giving a representation to the Commissioner of Police, Jalandhar, filed CRWP No.5260 of 2021, for seeking protection to their life and liberty and the same was disposed of by this Court on 07.09.2021 with a direction to the Commissioner of Police, Jalandhar to decide the representation of the petitioners by passing a speaking order within a period of 06 weeks. It is further submitted that now the present FIR has been registered with the allegation that Prince Randhawa @ Prince has recorded some private conversation between the petitioners and Prince Randhawa @ Prince in which abusive language has been used regarding the caste of Ramanpreet Kaur, wife of Prince Randhawa @ Prince. It is also submitted that as a ploy to oust the petitioners from the house, Prince Randhawa @ Prince uploaded the said audio recording on his social media profile and the complainants namely Navdeep, Sunil Bagha and Gurdeep Singh, claiming themselves to be a social activist in Jalandhar have got the aforesaid FIR registered.

Counsel for the petitioners has further argued that none of the informant would fall under the definition of '**Victim**' as per Section 2(1)(ec) of the SC&ST Act, which refer to a victim as "**individual**" who has suffered or experienced physical, mental, psychological, emotional or monetary harm to his property, which includes his relatives, legal guardian and legal heirs.

Counsel for the petitioners has also submitted that none of the aforesaid complainant of the FIR, are related to Ramanpreet Kaur. It is further submitted that even otherwise it was a private conversation

between the petitioners, on one side and their son Prince Randhawa @ Prince, therefore, no offence is made out and the FIR is now used to oust the petitioners from their house as even on a previous occasion, the efforts have been made even by using the police force.

Counsel for the petitioners has also relied upon some photographs to show that petitioner No.1 was given beatings by his own son Prince Randhawa @ Prince and despite a fact that this Court has issued a direction to the police to look into the matter, no action has been taken so far.

Lastly, it is argued on behalf of the petitioners that even Prince Randhawa @ Prince has filed a civil suit against the petitioners with regard to the house and the same is pending consideration.

Notice of motion.

Mr. Joginder Pal Ratra, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State while Mr. Navraj Singh, Advocate has appeared on behalf of the complainant.

Counsel for the State assisted by counsel for the complainant and on instructions from ASI Satinder Kumar, has argued that a perusal of the audio clip recorded by Prince Randhawa @ Prince (son of the petitioners), show that they have used some derogatory language against his wife Ramanpreet Kaur, in the name of her caste.

On a Court query, counsel for the State submits that Ramanpreet Kaur has not come forward to lodge any complaint with the police.

This fact is also not disputed by counsel for the complainant that neither Ramanpreet Kaur has given any complaint nor

the three complainants, in any manner, are related to her.

After hearing the counsel for the parties, considering the fact that the petitioners are senior citizens and petitioner No.1 is a Doctor by profession and the petitioners have no criminal antecedents, in any manner and admittedly, there is a property dispute between the petitioners, on one side and his son Prince Randhawa @ Prince, on the other side, who has been disowned by the petitioners in the year 2016, now on account of the fact that Prince Randhawa @ Prince has performed marriage with Ramanpreet Kaur, the present FIR is registered by 03 persons who are not “*victims*” as per Section 2(1)(ec) of the SC&ST Act, there is clear misuse of process of law by invoking provisions of SC&ST Act.

Be whatsoever, the conduct and behaviour of Ramanpreet Kaur in not lodging any complaint against her parents-in-law i.e. the present petitioners show that she is hopeful of getting the things resolved in future and therefore, finding that none of the complainant has any *locus standi* to register the present FIR, the present petition is allowed and the petitioners are directed to be released on anticipatory bail on furnishing bail/surety bonds subject to the conditions envisaged under Section 438(2) Cr.P.C.

It will be open for the Investigating Officer to issue notice in writing to the petitioners to join the investigation.

Considering the fact that so-called social activists are misusing the provisions of SC&ST Act, Director General of Police, Punjab is directed to issue instructions to all the Senior Superintendents of Police in Districts that no FIR under SC&ST Act be registered at the

instance of third party, unless an opinion is sought from the District Attorney (Legal) that the complainant falls within the definition of victim as per SC&ST Act.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

12.10.2021
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No