

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-43158-2021 (O&M)
Date of Decision:-13.10.2021

Kewal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Mandeep Singh Sachdev, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

Mr. Vijay Rana, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.127 dated 18.8.2021 at Police Station Sadar Jalandhar, District Jalandhar under Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act, 1989.
2. The FIR in question was lodged at the instance of Nirmal Singh, wherein it is alleged that he belongs to Adharmi Caste, which falls in the category of Scheduled Caste. It is alleged that on 1.7.2020 the petitioner had uttered objectionable words against his caste while stating that the complainant would be taught a lesson for helping Panchayat.

3. Learned counsel for the petitioner has submitted that the instant FIR is an abuse of process of law and is an attempt to pressurize the petitioner on account of the fact that a civil suit had been filed by the petitioner against Boota Singh and others, wherein the complainant is also arrayed as a respondent and wherein the Lower Court vide its order dated 12.1.2021 (Annexure P-3) had granted interim injunction in favour of the petitioner. Learned counsel has submitted that since the instant FIR came to be lodged after grant of interim injunction in favour of the petitioner, it is quite apparent that the same is a counterblast. It has further been submitted that infact the matter had initially been got examined and the Senior Superintendent of Police had opined that no offence under SC/ST Act is made out but subsequently the matter was sent back to ACP and thereafter the instant FIR came to be lodged.
4. I have considered the aforesaid submissions.
5. Though there may be some truth in the contentions made on behalf of the petitioner but keeping in view the fact that this is a case where allegations pertaining to commission of an offence under Section 3(1)(x) of SC/ST (Prevention of Atrocities) Act have been levelled and there is a specific bar under Section 18 of SC/ST Act against grant of anticipatory bail, this Court deems it appropriate not to grant anticipatory bail. As such, the prayer in this regard is declined.
6. However, it is directed that in case the petitioner surrenders before the Special Court within a period of one week from today and applies for grant of regular bail in the forenoon of the day, the learned Special Court shall endeavour to dispose of the same expeditiously preferably on the very day

such application is filed while taking into account the contentions, which have been raised before this Court and also any other contention as may be raised.

7. The petition stands disposed off accordingly.

13.10.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No