

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

CRM-M-44285-2021 (O&M)

Date of Decision:- 17.11.2021

Arun Kumar @ Gandhi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sarfraj Hussain, Advocate, for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

CRM-38117-2021

In view of the reasons mentioned in the application, the same is allowed and Annexure P-9 is taken on record subject to all just exceptions.

CRM-M-44285-2021 (O&M)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.92 dated 15.7.2016 at Police Station Kharar, District Mohali under Sections 307, 341, 325, 326, 120-B, 427, 148, 149 of Indian Penal Code and Sections 3 and 4 of SC/ST (Prevention of Atrocities) Act, 1989.
2. The FIR in question was lodged at the instance of Lakhveer Singh @ Lakhy, wherein it is alleged that on 15.7.2016 he alongwith Ajaib Singh, Sarpanch and Chota Khan was proceeding on a motorcycle towards Courts at Kharar. On the way a white coloured car hit into the motorcycle on account of which they fell down. The driver of the

car reversed the vehicle and again tried to run them over. It is alleged that 5-6 boys of their village alighted from the said car including Dhundi armed with a 'kirpan', Giani armed with a hammer, Dyal Singh and Deepa armed with iron pipes and the driver Billu, who also had a weapon. In the meantime another 5-8 cars came there from which 30-35 persons alighted, who were all armed with weapons like sticks, swords and rods and Rahul, Raju, Kala and Rinku Rana were also amongst them and they raised 'lalkaras' that the complainant and others should be killed and that the Scheduled Castes and Scheduled Tribes people must be taught a lesson for raising a dispute with them. While the complainant ran away to save himself, the assailants caused injuries to Ajaib Singh, Sarpanch and Chhote Khan as a result of which their legs and arms were broken. The complainant alleges that the grudge of accused is that there is a majority of Harijans in the village on account of which the Sarpanch also came to be elected from amongst their community and it is on account of the fact that they are poor Harijans that they have been caused injuries.

3. Learned counsel for the petitioner submits that the petitioner is nowhere named in the FIR and is sought to be implicated on the basis of a supplementary statement of the complainant. It has further been submitted that some other identically situated persons, who were also not named in the FIR, have already been granted anticipatory bail and that infact Kala, who is specifically named in the FIR, has also been granted bail. Learned counsel has referred to the orders annexed with the petition as Annexures P-6 and P-7.

4. I have considered the aforesaid submissions.
5. It is no doubt correct that the petitioner is not specifically named in the FIR but the allegations as levelled in the FIR apart from the allegations that the complainant and others having been caused injuries, also include allegations, which would have semblance of some offence under SC/ST Act. In these circumstances, this Court is of the opinion that it will not be very appropriate for this Court to grant anticipatory bail in view of specific bar against the same as per Section 18 of SC/ST Act. The prayer in this regard, as such, is declined.
6. However, it is directed that in case the petitioner surrenders before the trial Court within a period of one week from today and applies for grant of regular bail in the forenoon of the day, the learned trial Court shall endeavour to dispose of the same expeditiously preferably on the very day such application is filed while duly taking into account the fact that the petitioner is not named in the FIR and that several other co-accused have been granted bail including some who are specifically named in the FIR and while also taking into account that challan already stands presented against other co-accused.
7. The petition stands disposed off accordingly.

17.11.2021

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No