

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M no.52282 of 2021
Date of Decision: 15.12.2021

Sonu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Rajesh Duhan, Advocate, for the petitioner.
Mr. Rana Harjasdeep Singh, DAG, Punjab

Amol Rattan Singh, J. (Oral)

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.591, dated 16.10.2021, having been registered at Police Station Kaithal City, District Kaithal, alleging therein the commission of offences punishable under Sections 323, 34, 506 of the IPC and Sections 3(1) (r) 3(1) (s) 3 (2) (va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015).

Learned counsel for the petitioner submits that even as per the reply filed by the respondent State to a similar petition filed before the learned Addl. Sessions Judge, Kaithal, it had been admitted that in fact the petitioner had also received an injury and had been admitted to a hospital though he had left hospital against advice.

He further submits that a report in that regard also having been registered, which was not converted into an FIR, it was the petitioner who was the aggrieved party.

That being so, without making any comment on the actual

merits of the case, notice of motion is issued to the respondent-State, with Mr. Neeraj Poswal, learned AAG, Haryana, accepting notice at the asking of the court.

He submits that though he has no instructions as regards any complaint registered at the instance of the petitioner, however, the issue in question is not the simple injuries stated to have been received by the complainant in the FIR, or by the petitioner, but the alleged use of words derogatory to a particular caste in public view, as a result of which an offence punishable under Sections 3(1) (r) 3(1) (s) 3 (2) (va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendment 2015), has been registered.

The allegation against the petitioner being that in public view, he uttered the derogatory words, I would see no reason to entertain this petition, specifically in view of the bar contained in Section 18 of the Act of 1989.

Consequently, without making any comment on the actual merits of the case, this petition is dismissed.

15.12.2021
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(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No