

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

203

CRM-M-6741-2021

Date of Decision : **February 23, 2022**

NIRMALA AND ANR

.....Petitioners

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present : Mr. Kuldeep Sheoran, Advocate
for the petitioners.

Mr. Naveen Singh Panwar, DAG, Haryana.

JASGURPREET SINGH PURI. J. (Oral)

The learned counsel for the petitioners has submitted that in the present case the petitioners were granted interim bail by this Court on 12.2.2021 and thereafter now the petitioners have joined the investigation and they are fully co-operating with the investigation process. He further submitted that so far as the implication of the petitioners under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is concerned, a bare perusal of the FIR would show that there are no allegations pertaining to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and, therefore, the bar contained under Sections 18 and 18-A of the Act would not apply in the present case in view of the law laid down by the Hon'ble Supreme Court in **Prathvi Raj Chauhan Vs. Union of India and others, Writ Petition (C) No. 1016 of 2018.**

The learned State counsel on instructions from DSP Naresh Kumar has stated that in pursuance of the order passed by this Court on 12.2.2021 the petitioners have joined the investigation and after joining the investigation the petitioners have fully cooperated with the investigation process. He has further submitted on specific instructions that the petitioners are not required for custodial investigation.

I have heard the learned counsels for the parties.

A perusal of the FIR would show that no allegations had been made pertaining to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and, therefore, the bar contained under Sections 18 and 18-A of the SC and ST Act will not apply in view of the law laid down by the Hon'ble Supreme Court in Prathvi Raj Chauhan's case (Supra) because prima facie there does not seem to be any allegations under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. Furthermore, a specific stand has been taken by the learned State counsel on instructions that the petitioners are not required for custodial investigation because they have joined the investigation and have fully cooperated with the investigation process.

In view of the specific stand taken by the learned State counsel, the present petition is allowed and order dated 12.2.2021 is, hereby, made absolute.

(JASGURPREET SINGH PURI)
JUDGE

February 23, 2022
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No