

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

CRM-M-15442-2020 (O&M)

Date of decision : 24.01.2022

Manjit Kaur

.... Petitioner

Versus

State of Punjab & Anr.

..... Respondents

CORAM: HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr. Nippun Sharma, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

Pandit Vinood Sharma, Advocate for the complainant.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner has preferred the instant petition under Section 438 Cr.P.C., for grant of anticipatory bail in case FIR No.0043 dated 17.03.2020, under Sections 406, 498-A of IPC read with Section 3(1) (r) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, registered at Police Station Goraya, Jalandhar

Rural, District Jalandhar, Punjab.

By virtue of the order dated 17.06.2020, while granting interim protection, the petitioner was directed to join investigation. It has been contended by learned counsel for the petitioner that the petitioner has joined the investigation and fully cooperated. Challan has been presented and charges have been framed, thus, the interim order may kindly be made absolute.

Learned State counsel has endorsed the same and submitted that petitioner is no more required for further investigation.

Learned counsel for the complainant vehemently opposes the contentions of learned counsel for the petitioner and submits that there is a Bar for granting anticipatory bail under Section 18 of SC/ST Act and this fact has not been taken into consideration by the Court while granting interim protection to the petitioner. He further submits that the anticipatory bail qua the co-accused has already been dismissed by this Court which has been upheld by the Hon'ble Supreme Court.

It is apparent from the interim order dated 17.06.2020 that the fact regarding the Bar under Section 18 of SC/ST Act was very much appreciated by the Hon'ble Coordinate Bench at the time of granting interim protection to the petitioner. The trial is in progress and the charges are framed against the petitioner.

In view of the above facts and circumstances, the interim order dated 17.06.2020, is made absolute subject to compliance of conditions as envisaged under Section 438 (2) Cr.P.C. and the petition stands allowed.

Since the main case has been allowed, therefore CRM-

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15228-2020 filed for cancellation of interim bail is dismissed.

However, the complainant is at liberty to avail her remedies before the trial court as per law.

(RAJESH BHARDWAJ)
JUDGE

24.01.2022
manju

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No