

In virtual Court

CRM-M-38464-2019

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

**CRM-M-38464-2019 (O&M)
Date of decision: 08.02.2022**

Sukhchain Singh

... Petitioner

Vs.

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

**Present: Mr. N.K. Manchanda, Advocate
for the petitioner.**

Mr. Joginder Pal Ratra, DAG, Punjab.

**Mr. G.S. Sandhu, Advocate
for respondents No.2 to 11.**

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for cancellation of anticipatory bail granted to respondents No.2 to 11 in FIR No.78 dated 19.06.2019 under Sections 324, 323, 427, 148, 149 IPC (Section 326 IPC and Sections 3 & 4 of SC&ST Act were added later on), registered at Police Station Kot Ise Khan,

District Moga, by the Additional Sessions Judge, Moga vide order dated 26.07.2019.

Learned counsel for the petitioner submits that anticipatory bail was granted by the Additional Sessions Judge in a manner that there was no application of Sections 3 & 4 of SC&ST Act, though subsequent to registration of FIR, vide General Diary No.19 dated 10.07.2019, aforesaid Sections were added against the accused persons. It is further submitted that in view of bar under Section 18 of SC&ST Act, the Additional Sessions Judge was not competent to grant bail.

In reply to a Court query that a period of about two and half years has lapsed, when the anticipatory bail was granted to respondents No.2 to 11, if there is any threat extended to the petitioner or the prosecution witnesses or any such complaint was given to the police authorities, learned counsel for the petitioner has fairly conceded that no such complaint was given.

Learned State counsel, assisted by learned counsel for respondents No.2 to 11-accused, has submitted that there is no complaint that the accused persons have ever misused the concession of anticipatory bail or tried to influence the witnesses or abscond from the process of law. It is further submitted that challan already stands presented and the accused persons are facing trial.

Learned counsel for the complainant has additionally argued that initially, some panchayats were convened to resolve the matter, however, when the accused persons did not make the payment, present FIR was registered.

After hearing learned counsel for the parties, I find no ground to

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cancel the anticipatory bail granted to respondents No.2 to 11 vide order dated 26.07.2019 in aforesaid FIR, by the Additional Sessions Judge, Moga.

Accordingly, the present petition is dismissed.

**[ARVIND SINGH SANGWAN]
JUDGE**

08.02.2022
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No