

CRM-M-44727-2021

Date of decision-08.02.2022

Surjit Singh @ Sita and Anr.

...Petitioners

Vs.

Mulakh Raj

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. A.S. Manaise, Advocate
for the petitioners

MANOJ BAJAJ, J.(ORAL)

Petitioners have filed this petition under Section 438 Code of Criminal Procedure for grant of anticipatory bail in complaint case No.COMI-216/2017, titled as “*Mulakh Raj vs. Sarwan Singh and others*”, dated 04.12.2017(Annexure P-1), under Sections 451, 427 and 506 of the Indian Penal Code, 1860 and Sections 3(i)(ii)(v)(x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby they have been summoned to face trial vide order dated 12.08.2021 (Annexure P-2).

Learned counsel for the petitioners has invited the attention of the Court to the order dated 27.10.2021, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioners. The said order reads as under:-

“Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

*Learned counsel for the petitioners contends that the petitioners have been summoned by the Court of the learned Judicial Magistrate 1st Class, Batala vide order, Annexure P/2 dated 12.08.2021 to face trial in complaint case No.COMI-216/2017 in case titled as *Mulakh Raj vs. Sarwan Singh and Ors*(Annexure P/1) dated 04.12.2017 under Sections 451, 427 and 506 IPC and Section 3(i)(ii)(v)(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for*

short- 'the Act') in derogation of the provisions of Section 14 of the Act as the same provides for exercise of jurisdiction in respect of offences under the Act exclusively to the Special Court in terms of Section 14 (1) of the Act or in case of less number of cases, the designated Court of Sessions, therefore, the impugned order, Annexure P/2 dated 12.08.2021 by the learned Judicial Magistrate 1st Class, Batalais an action coram non-judice.

Notice of motion for 11.11.2021.

Notice re: stay."

Learned counsel for the petitioners has drawn the attention of the Court to the direction issued by this Court on 11.11.2021 directing the petitioners to submit themselves before the trial Court and submitted that the said directions stand complied with. He further submitted that the petitioners appeared before the trial Court on 29.11.2021, who were admitted on interim regular bail and in this regard he has produced the subsequent zimni orders passed by the trial Court as well.

The above position is not disputed by learned State counsel.

Considering the above, the petition is allowed and it is ordered that the petitioners shall remain on regular bail on the same bail bonds/surety bonds furnished by them before the trial Court on 29.11.2021.

08.02.2022

Poonam Negi

(MANOJ BAJAJ)

JUDGE

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