

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRA-S-2038-2022(O&M)

Date of decision : 10.11.2022

Paramjit Kaur

... Appellant

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Ms.Satinder Kaur, Advocate
for the appellant.

Mr.Iqbal S.Mann, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is an appeal for grant of anticipatory bail to the appellant in FIR no.111 dated 04.10.2022 registered under Sections 3(1)(r) & 3(1)(s) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act 1989 at Police Station Mehna, District Moga.

On 17.10.2022, this Court was pleased to pass the following order:-

“Inter alia contends that in the present case, the present appellant, who is a 45 year old lady, has been falsely implicated. It is further submitted that there is a delay of 22 days in filing the complaint inasmuch as the alleged incident had taken place on 07.09.2021 whereas the first application was moved on 29.09.2021. It is contended that in the FIR, there are two instances which have been detailed, first instance was a telephonic conversation between Sukhvir Singh and the appellant and thus, the same could not be stated to be in public view and that said Sukhvir Singh had suffered statement during the enquiry that no conversation, so as to constitute any offence, happened between the appellant and the said Sukhvir Singh. It is further contended

that even the second incident had never taken place and even as per the allegations levelled in the FIR, it has not been stated that the appellant had specific knowledge that the complainant belonged to a Scheduled Caste. Reliance has been placed upon the judgment of Hon'ble Supreme Court in Prathvi Raj Chauhan Vs. Union of India and others, reported as 2020(4) SCC 727, to contend that in such like situations, the bar under Sections 18 and 18-A of the SC/ST Act would not apply. Further reliance has been placed upon judgment of a Coordinate Bench of this Court in Jai Parkash and others Vs. State of Haryana and another, reported as 2011(3) RCR (Criminal) 217, to state that in case, it is not specifically averred in the FIR that the petitioner had knowledge that the complainant belonged to a Scheduled Caste, then the offence would not be made out and the bar under Sections 18 and 18-A of the SC/ST Act would not operate. It is argued that the appellant is the President of Congress Rural Wing in the District of Moga and thus, FIR has been registered due to political vendetta against her.

Notice of motion for 10.11.2022.

In the meantime, in the event of arrest, the appellant shall be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the appellant shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. 17.10.2022 ”

Learned counsel for the appellant has submitted that in pursuance of the said order, the appellant has joined the investigation.

Learned State counsel, on instructions of SI Raj Singh, has submitted that the appellant has joined investigation and is not required for further investigation.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 17.10.2022, and also the fact that the appellant has joined the investigation and is not required for further investigation, the present appeal is allowed and the

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present appeal.

Pending miscellaneous application stands disposed of in view of the abovesaid order.

(VIKAS BAHL)
JUDGE

November 10, 2022
Davinder Kumar

Whether speaking / reasoned	Yes/No
Whether reportable	Yes/No