

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-25278-2022 (O & M)

Date of decision: 18.01.2023

Nanak Singh

... Petitioner

V/s

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Puneet Kaur Sekhon, Advocate,
for the petitioner.

Mr. Kirat Singh Sidhu, DAG, Punjab.

Mr. Rahul Kumar, Advocate, for the complainant.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition under Section 438 Cr.P.C. read with Section 482 Cr.P.C. is for the grant of anticipatory bail to the petitioner in case FIR No.91 dated 11.05.2022 under Sections 3(1)(r) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act (for short 'the SC & ST Act'), and Section 506 IPC registered at Police Station Lopoke, Amritsar.

On 02.06.2022, the following order was passed in this case:-

"The present petition has been filed under Section 438 Cr.P.C. for grant of the anticipatory bail to the petitioner in a case registered against him vide FIR No.91 dated 11.05.2022 under Sections 3(1)(r) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and Section 506 IPC with Police Station Lopoke, Amritsar.

The learned counsel for the petitioner inter alia contends that the petitioner belongs to the backward caste. In fact, a perusal of the FIR does not reveal what specific words were allegedly uttered by the

petitioner to the complainant. She further contends that there is a substantial delay in the registration of the FIR and therefore, the prosecution case is not free from doubt.

Notice of motion for 20.09.2022.

In the meantime, petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 16.06.2022 and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- (i) that the petitioner shall make himself available for interrogation before the investigating officer as and when required;*
- (ii) that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- (iii) that the petitioner shall not leave the country without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, the State is directed to file an affidavit as to the exact role of the petitioner and his co-accused alongwith the details of pending FIRs, if any, on or before the next date of hearing”.

The interim order was continued thereafter on 20.09.2022 and the matter has come up for hearing today i.e. 18.01.2023.

It has been brought to the notice of the Court by the learned counsel for the petitioner as also the learned counsel for the complainant that the present petition for the grant of anticipatory bail is not maintainable in view of the provisions of the SC & ST Act and only an appeal lies under Section 14-A of the SC & ST Act.

In view of the above, the learned counsel for the petitioner seeks to withdraw the present petition with liberty to file an appropriate appeal in accordance with law.

In view of the statement made by the learned counsel for the petitioner, the present petition is ordered to be dismissed as withdrawn with the aforesaid liberty.

January 18, 2023
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No