

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

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CRM-M-38492-2022

Date of Decision: January 13, 2023

Subhash Chander

.....Petitioner(s)

Vs.

State of Punjab and others

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Anoop Verma, Advocate for the petitioner.

Mr. Virat Rana, AAG, Punjab

Mr. Kapish Singla, Legal Aid Counsel for respondent No.2

Ms. Mukta Mahesh, Legal Aid Counsel for respondent No.3.

ANOOP CHITKARA J. (ORAL)

Seeking cancellation of anticipatory bail wrongly granted by the trial Court to respondents No.2 & 3, the complainant has come up before this Court on the ground that the bail was granted to the petitioner by ignoring Section 18 of SC/ST Act, 1989, which mandates that application for bail under Section 438 Cr.P.C. is not maintainable.

Legal Aid Counsel for respondents submits that in the FIR as well as in the complaint, there are no words from where it can be established that respondents No.2 and 3 used any derogatory remarks qua the caste of the complainant, which could put bar under SC/ST Act.

I have perused the FIR as well as the complaint, there is absence of such remarks.

Given above, this Court does not find any illegality in the order passed by the Court of Additional Sessions Judge, as such the present petition is dismissed. All pending application(s), if any, stand disposed of.

**(ANOOP CHITKARA)
JUDGE**

January 13, 2023

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Whether speaking/reasoned:

Yes/No

Whether reportable:

No