

Neutral Citation No.2023:PHHC:163453

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRA-S-3297 of 2023 (O&M)

Date of decision : 19.12.2023

...
Gurlal Singh Dhaliwal
.....Appellant
vs.
State of Punjab
.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Dr. Rau P.S. Girwar, Advocate for the appellant.

Mr. Digvijay Nagpal, Assistant Advocate General,
Punjab

Mr. Sapan Dhir, Advocate for the complainant.

...

MANJARI NEHRU KAUL, J. (ORAL)

The appellant is praying for setting aside of the impugned order dated 31.10.2023, passed by the Additional Sessions Judge, Mansa, whereby his application seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. in case FIR No. 170 dated 5.10.2023 under Sections 420, 465, 467, 468, 471 of the Indian Penal Code, 1860 and Section 3 (1)(s) of the Scheduled Casts and Scheduled Tribes (Prevention of Atrocities) Act, 1989 registered at Police Station Boha, has been dismissed.

2. Learned counsel for the appellant, inter alia, contends that a false and fabricated case has been planted upon the appellant on account of a previous enmity between 3 persons and appellant-Gurlal Singh, and it was a part of a larger conspiracy that he had been intentionally and falsely attributed casteist utterances on 31.07.2023.

Learned counsel has further submitted that a fabricated version

having been brought forth against the appellant is also evident from the fact that the occurrence in question allegedly took place on 31.07.2023, however, the FIR in question came to be registered in August 2023, that too after the passing of order annexed as Annexure A-2, against a Sarpanch which offended the complainant, who was his close associate. Learned counsel for the appellant has also drawn the attention of this Court to Annexures A-11, 16 and 17 to urge that on the fateful day and at the time of the alleged occurrence, he was not present at the spot.

3. Per contra, learned State counsel assisted by the learned counsel for the complainant, has vehemently opposed the prayer and submissions made by the learned counsel for the appellant. It has been submitted that there are specific allegations levelled against the appellant of having indulged in casteist utterances and that too in full public view. In support, learned State counsel, assisted by the learned counsel for the complainant, has drawn the attention of this Court to the allegations levelled in the FIR which has been annexed as Annexure A-1. It has been submitted that as per the version recorded in the FIR, the complainant Satpal was working to repair a dirty drain for the Panchayat, when the appellant alongwith co-accused not only abused him but also made derogatory remarks about his caste. Further, the appellant had specifically insulted the complainant by saying that since he belonged to a particular caste, it was he who was supposed to clean the dirty drain.

4. Learned State counsel, assisted by learned counsel for the complainant has still further submitted that the contention raised

by the complainant qua the alleged case being a counter blast to the pending litigation between the Sarpanch and private witness also holds no ground, more so in light of the fact that the complainant was not even a party in the said litigation, hence there arose no occasion for the complainant to falsely implicate the appellant in the said case. It has further been submitted that the occurrence in question had taken place in a place within the public view during the month of July at 5 o'clock, hence, in view of the bar created under the SC/ST Act, the appellant did not deserve to be extended the extra ordinary concession of anticipatory bail.

5. I have heard learned counsel for the parties and perused the relevant material on record.

6. Prima facie, there are serious allegations against the appellant who alongwith other co-accused uttered castiest remarks against the complainant in a place within a public view.

5. In view of the facts and circumstances, as enumerated hereinabove, coupled with the gravity of allegations levelled, this Court does not deem it fit to extend the extraordinary concession of anticipatory bail to the appellant.

6. Accordingly, the instant appeal stands dismissed.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

19.12.2023
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Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No