



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

CRA-S-2065-2024

Date of Decision : **31.05.2024**

AMANDEEP SINGH AND ANOTHER

.....Appellants

VERSUS

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Tanvir S. Grewal, Advocate,
for the appellants.

Mr.Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant appeal, challenge is thrown to the order dated 07.05.2024, vide which the anticipatory bail application filed by the present appellants, under Section 438 Cr.P.C., has been declined by the learned Additional Sessions Judge, SAS Nagar (Mohali).

2. Learned counsel for the appellants submits that learned Additional Sessions Judge concerned, has not considered any submissions made by the appellant, rather only proceed to dismiss his application with the aid of Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Act of 1989'). Whereas no offence whatsoever under Section 3(x) of the Act of 1989, is made out from the bare perusal of the contents of the complaint. Even if we take the allegations as correct, the offence is not committed in

the full public view. For that he places reliance upon paragraph no.7 of the complaint, which reads as under:-

“7. That when the complainant was standing alone near house of accused, on seeing the complainant, accused Ravinder Singh raised lalkara that complainant should not be spared and he be killed. Accused know that complainant belongs to Ramdasi Community and in order to lower down the dignity of the complainant before General Public Accused Amandeep Singh openly said this Chura Chamar is becoming a big political leader so he should not be spared today.”

3. Notice of motion.

4. Mr.Pardeep Bajaj, DAG, Punjab, accepts notice on behalf of respondent no.1-State and waives service.

5. Mr.Yashjot Singh Dhaliwal, Advocate, has caused appearance on behalf of respondent No.2/complainant, through a validly executed power of attorney in his favour. The same is taken on record.

6. He vociferously opposes the asked for relief on the ground that in fact the appellants knowingly that the complainant belongs to schedule caste community, openly attacked upon him, therefore, provisions of the Act of 1989, is applicable, and in view of Section 18 thereof, the appellants cannot be extended the benefit of anticipatory bail.

7. This Court has heard the learned counsel for both the parties concerned, and has gone through the entire case file, and has examined the entire issue, is of the view that there is a merit in the submissions made learned counsel for the appellants.

8. *Prima facie* on perusal of paragraph no.7 of the complaint, this Court is of the view that when the alleged injuries were caused to the complainant, he was alone near his house. Even otherwise the injuries suffered by the complainant are stated to be simple in nature, except

offence under Section 3(X) of the Act of 1989, all other offences are bailable. In view of the above, this Court proceed to **set aside** the order (*supra*), passed by learned Additional Sessions Judge, SAS Nagar (Mohali).

9. The appellants are directed to appear before the Special Judge/trial Court/Duty Magistrate/*Illaq*a Magistrate concerned, within a period of 15 days from today.

10. In case the appellants surrender before the court concerned, within a stipulated time, and move a regular bail application, the same shall be decided on its own merits on the same day, after hearing the parties concerned.

11. In the meanwhile, the arrest of the appellants shall remain stayed.

12. However, in case, the appellants fail to appear before the court concerned within 15 days from today, the protection granted hereinabove, *qua* his arrest shall *ipso facto* vacated, without further reference to this Court.

13. Disposed of, accordingly.

May 31, 2024

dharamvir

(KULDEEP TIWARI)
JUDGE

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