
Surjit Singh Namberdar Vs Balbir Kaur

CRM No. M-16096 of 2014

Court: High Court Of Punjab And Haryana At Chandigarh

Date of Decision: July 21, 2014

Acts Referred:

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 " Section 3, 4

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Advocate: R.K. Singla, Advocate for the Appellant; Rajiv Joshi, Advocate and Amarjit Kaur Khurana, Addl. A.G, Advocate for the Respondent

Final Decision: Allowed

Judgement

Mehinder Singh Sullar, J.

Petitioner-Surjit Singh Namberdar son of Satnam Singh, has preferred the instant petition for the grant of

concession of anticipatory bail, in a criminal case instituted against him by the complainant-respondent No. 1 Balbir Kaur, in which, he was

summoned to face the trial for commission of an offence punishable under Sections 3/4 of The Schedule Castes & Schedule Tribes (Prevention of

Atrocities) Act, 1989, vide order dated 28.03.2014 (Annexure P-11), by the trial Court.

2. Notice of the petition was issued to the State.

3. After hearing the learned counsel for the parties, going through the record with their valuable assistance and after deep consideration of the

entire matter, to my mind, the present petition for anticipatory bail deserves to be accepted in this context.

4. During the course of preliminary hearing, the following order was passed by this Court on May 12, 2014:-

Learned counsel, inter alia, contended that Gurdial Ram son of Dhannu Ram, husband of complainant-respondent No. 1-Balbir Kaur was

illegally/forcibly digging out the sand from the panchayat land. The matter was reported to the SDM, vide complaint dated 18.06.2011 (Annexure

P-3). He did not stop illegal digging. On 26.06.2011, petitioner was attacked by complainant, her husband and two daughters. The matter was

reported to the police by the complainant, by virtue of complaint dated 21.06.2011 (Annexure P-6). The General Manager cum Mining Officer,

by way of his report dated 30.06.2011 (Annexure P-7) concluded that no person can illegally dig and sell the sand without the approval of Mining

Department. The argument is that the complainant has filed a false complaint against the petitioner on account of previous enmity, in order to put

pressure and wreak vengeance, in which he was summoned to face the trial for commission of offence punishable u/s 3/4 of The Schedule Caste

and Schedule Tribe (Prevention of Atrocities) Act, 1989 (for brevity "SC & ST Act"), by means of order dated 28.03.2014 (Annexure P-11)

without any cogent grounds by the trial Court.

The argument further proceeds that even no offence u/s 3/4 of the SC & ST Act is made out against the petitioner, in view of the ratio of law laid

down by this Court in case of Dr. Onkar Chander Jagpal and Another Vs. Union Territory and Another,

Heard.

Notice of motion be issued to the respondents, returnable for 27.05.2014.

Meanwhile, the petitioner is directed to appear/surrender and the trial Court would admit him on interim (provisional) bail on his furnishing

adequate bail and surety bonds to its satisfaction.

5. At the very outset, learned counsel for the petitioner has placed on record the certified copy of the order dated 21.05.2014, which would reveal

that the bail and surety bonds furnished by the petitioner, in pursuance of the pointed order of this Court, were attested and accepted by the trial

Court.

6. In the light of aforesaid reasons, the instant petition for anticipatory bail is accepted and the interim (provisional) bail already granted to the

petitioner by this Court, by virtue of indicated order is hereby made absolute, subject to his filing a specific affidavit that he will not indulge in such

illegal activities in future.