

(2014) 05 P&H CK 0500

High Court Of Punjab And Haryana At Chandigarh

Case No: CRM No. M-10304 of 2014

Veerpal Kaur

APPELLANT

Vs

Chhinderpal Kaur and Another

RESPONDENT

Date of Decision: May 27, 2014

Acts Referred:

- Penal Code, 1860 (IPC) - Section 452, 506
- Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 3(1)(x)

Hon'ble Judges: Mehinder Singh Sullar, J

Bench: Single Bench

Advocate: Sanjeev Kumar Arora, Advocate for the Appellant; Atul Goyal, Advocate for Respondent No. 1 and Ms. Amarjit Kaur Khurana, Addl. A.G. Punjab for Respondent No. 2, Advocate for the Respondent

Final Decision: Allowed

Judgement

Mehinder Singh Sullar, J.

Petitioner Veerpal Kaur wife of Satnam Singh, has instituted the instant petition for the grant of concession of anticipatory bail, in a criminal case instituted against her on a private complaint (Annexure P1) by complainant Chhinderpal Kaur wife of Manjit Singh (respondent No. 1), in which, she was summoned to face the trial for the commission of offences punishable u/ss. 452, 506 IPC and Section 3(1)(x) of the Schedule Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, vide summoning order dated 25.1.2014 (Annexure P2) of the Magistrate.

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

3. After hearing the learned counsel for the parties, going through the record with their valuable help and after deep consideration over the entire matter, to my mind, the present petition deserves to be accepted in this context.

4. During the course of preliminary hearing, a Coordinate Bench of this Court (Dr. Bharat Bhushan Parsoon, J.) passed the following order on 24.3.2014:-

Learned counsel for the petitioner contends that the allegations in the complaint do not speak about any alleged humiliation. He has cited a decision of Hon"ble Supreme Court of India in [Gorige Pentaiah Vs. State of A.P. and Others](#), that this Court has inherent power to grant the relief of interim anticipatory bail for an offence punishable u/s 3(1)(x) of the Scheduled Castes and Scheduled Tribes [Prevention of Atrocities] Act, 1989 [hereinafter mentioned as "the Act"]. It is further contended that in the absence of specific averments in complaint i.e., the petitioner is not a member of the Scheduled Castes or a Scheduled Tribe and she intentionally insulted or intimidated with intent to humiliate the complainant at a place within the public view, no case under the Act is made out and summoning order is bad in law.

Notice of motion for 27.5.2014.

In the meanwhile, the petitioner shall appear before the trial Court where she shall be admitted to interim bail to its satisfaction.

5. At the very outset, the learned counsel has placed on record his affidavit to the effect that the bail & surety bonds furnished by the petitioner, in pursuance of indicated order of this Court, have already been accepted and attested and she is regularly appearing in the trial Court.

6. In the light of aforesaid reasons, the instant petition for anticipatory bail is accepted and the interim bail already granted to petitioner, by way of order dated 24.3.2014 of this Court is hereby made absolute.