

(2014) 07 P&amp;H CK 0745

**High Court Of Punjab And Haryana At Chandigarh****Case No:** CRM No. M-734 of 2014 (O&M)

Prem

APPELLANT

Vs

State of Haryana

RESPONDENT

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**Date of Decision:** July 21, 2014**Acts Referred:**

- Criminal Procedure Code, 1973 (CrPC) - Section 438, 482
- Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 - Section 18, 3

**Hon'ble Judges:** Tejinder Singh Dhindsa, J**Bench:** Single Bench**Advocate:** Gaurav Gogna and Gaurav Mohunta, Advocate for the Appellant; Vikas Malik, A.A.G. and Sushil Bhardwaj, Advocate for the Respondent**Final Decision:** Allowed

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**Judgement**

Tejinder Singh Dhindsa, J.

This order shall dispose of the present petition filed u/s 438 Cr.P.C. read with Section 482 Cr.P.C. praying for the grant of anticipatory bail to the petitioners in complaint case titled as "Naresh Kumar Vs. Prem and others" dated 19.7.2012 registered u/s 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. On 13.1.2014, while issuing notice of motion, the following order was passed by this Court:-

The petitioners pray for grant of bail in anticipation of arrest as they apprehend of being taken in custody for having been summoned in a private complaint titled "Naresh Kumar vs. Prem and others" for offence u/s 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 pending in the Court of Sub Divisional Judicial Magistrate, Assandh, District Karnal.

Counsel for the petitioners contends that a false case has been lodged by complainant Naresh Kumar due to dispute regarding a shop. Earlier, the complainant (respondent No. 2 herein) filed a complaint before the Schedule Caste and Scheduled Tribes Commission, Delhi and in compliance with the direction issued by the said Commission, two enquiries were conducted. As per enquiry reports (Annexures P-3 and P-4) both the enquiring officers found the allegations to be false. It is further submitted that the petitioners have been summoned in a private complaint, their custodial interrogation is not required and they are ready to face the proceedings in accordance with law.

Notice of motion for 21.3.2014.

In the meantime, the petitioners are directed to surrender before the summoning Court within seven days and on their appearance they shall be admitted to bail on their furnishing bail bonds to its satisfaction.

3. Learned counsel appearing for the petitioners would submit that in pursuance to the order dated 13.1.2014 the petitioners have duly appeared before the Trial Court and have been admitted to bail on furnishing bail bonds and surety bonds in the sum of Rs. 40,000/- with one surety in the like amount. Towards such assertion counsel has produced before this Court a certified copy of the order dated 18.1.2014, passed by the S.D.J.M., Assandh. Copy of the same is taken on record at Mark A.

4. Learned counsel appearing for the complainant would however raise an objection as regards the maintainability of the present petition and in this regard would refer to Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. Be that as it may, it would be apposite to notice that the assertion raised on behalf of the petitioners that a complaint having been preferred by the complainant before the Scheduled Castes and Scheduled Tribes Commission, Delhi containing the same very allegation having been inquired into and two different Inquiry Officers having returned findings in favour of the present petitioners, has gone un rebutted.

6. The petitioners having joined the trial proceedings, this Court is of the considered view that custodial interrogation of the petitioners would not be warranted. Accordingly, the present petition is allowed. The order dated 13.1.2014, passed by this Court, is made absolute.

7. Petition disposed of.