

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

**CRM-M-26443-2022 (O&M)**

**Date of decision: 18.07.2022**

**Pritpal Singh @ others**

**...Petitioners**

**Versus**

**State of Haryana and another**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Sumeet Goel, Sr. Advocate with  
Mr. Samir Rathour, Advocate and  
Mr. Paramvir Dhull, Advocate  
for the petitioners.

Mr. Deepak Kumar Grewal, DAG, Haryana.

**ARVIND SINGH SANGWAN, J. (Oral)**

On 30.06.2022, the following order was passed:

“Prayer in this 2nd petition is for grant of anticipatory bail to the petitioners in FIR No.8 dated 07.01.2022 registered under Sections 148, 149, 323, 325, 326, 427, 452, 506 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Saha, District Ambala.

At the very outset, learned senior counsel for the petitioners has argued that prior to adding of Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the petitioner No.1 was granted anticipatory bail vide order dated 28.01.2022 passed in CRM-M No.3384 of 2022 and petitioners No.2 to 4 were granted anticipatory bail vide

order dated 10.02.2022 passed in CRM-M No.5663 of 2022.

Learned senior counsel for the petitioners has referred to the contents of the FIR to submit that there is no allegation with regard to invoking of Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned senior counsel for the petitioners has then referred to the 1st status report, which was filed at the time, when petitioner No.1 has filed the anticipatory bail before the Court of Sessions wherein a detailed status report was filed under the signatures of the SHO, Police Station Saha dated 17.01.2022, to submit that even in that status report, there is no allegation that any offence under Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, was added.

Learned senior counsel for the petitioners has again referred to the 2nd status report dated 03.02.2022 filed by the SHO, Police Station Saha, when the anticipatory bail application of petitioners No.2 to 4 was filed before the Court of Sessions and again in that status report, there is no reference of commission of any offence under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Learned senior counsel for the petitioners has argued that now after a long lapse of time, Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been added in the present FIR, which is reflected in the status report dated 18.05.2022 prepared by the same official i.e. SHO, Police Station Saha, wherein the following observations have been made:-

“On dated 23.03.2022, the facts of the case file

were verified by Station House Officer. The offence under Section 3 SC/ST Act being found to have been committed in the case as per directions of Higher Officers Section 3 SC/ST Act was added in the case and the investigation of case was conducted by Area Officer Sh. Rajnish Kumar HPS, Deputy Superintendent of Police, Barada. During investigation of the case Sections 148, 149 of IPC were deleted from the case and section 34, 201 of IPC were added to the case. That accused Pritpal Singh son of Gurdev Singh resident of Village Sambhalkha Police Station Saha District Ambala, Harjot Singh son of Sh. Pritpal Singh resident of Village Samalkha Police Station Saha District Ambala, Kulwant Singh @ Kanta son of Sh. Nirmal Singh resident of Village Samalkha Police Station Saha District Ambala and Maninder Singh @ Kaptan Singh resident of Village Dhuralla Police Station Saha District Ambala have been already joined with the investigation of the case as per orders of Hon'ble Punjab & Haryana High Court and no other investigation is pending. Sufficient evidence for presenting challan is available on case file against Pritpal Singh son of Gurdev Singh resident of Village Sambhalkha Police Station Saha District Ambala, Harjot Singh son of Sh. Pritpal Singh resident of Village Samalkha Police Station Saha District Ambala, Kulwant Singh @ Kanta son of Sh. Nirmal Singh resident of Village Samalkha Police Station Saha District Ambala and Maninder Singh @ Kaptan Singh resident of Village

Dhuralla Police Station Saha District Ambala. Therefore, challan against accused Pritpal Singh, Harjot Singh, Kulwant Singh @ Kanta, Maninder Singh @ Kaptan Singh has been prepared in the case on 08.04.2022 which will be presented before the Court after checking. Accused Pritpal Singh, Harjot Singh, Kulwant Singh @ Kanta, Maninder Singh @ Kaptan Singh have filed application for bail before the Hon'ble Court under Section 3 SC/ST Act, 1989. Therefore, it is prayed to this Hon'ble Court that accused Pritpal Singh, Harjot Singh, Kulwant Singh @ Kanta, Maninder Singh @ Kaptan Singh may not be granted bail.”

Learned senior counsel for the petitioners with reference to this status report has submitted that subsequent to the grant of anticipatory bail by this Court, Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been added and challan has already been prepared in this case on 08.04.2022 and the same would reflect that Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been added only to aggravate the nature of offence against the petitioners.

Notice of motion.

Mr. Deepak Grewal, DAG, Haryana who is present in the Court accepts notice on behalf of the respondent – State.

List again on 18.07.2022.

In the meantime, the petitioners are directed to appear before the Investigating Officer within a period of 10 days to join investigation and they shall be released on interim bail on furnishing bail/surety bonds subject to

the following conditions:- 1. They shall make themselves available for interrogation by a police officer as and when required; 2. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and 3. They shall not leave India without previous permission of the Court.

The Superintendent of Police, Ambala as well as the SHO, Police Station Saha, are directed to file their specific affidavit as to how Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been added in the present case.

It is made clear that if the affidavit is not filed on or before the next date of hearing, the Superintendent of Police, Ambala will remain present before this Court.”

Reply, filed by way of the affidavits of SP, Ambala as well as SHO concerned, is on record, in which it is stated that after registration of the FIR, on 28.01.2022, i.e. after about 21 days of the registration of the FIR, a supplementary statement of the complainant was recorded under Section 164 before the Illaqua Magistrate, wherein for the first time, the complainant alleged that some caste based remarks were passed by the petitioners.

Learned State counsel submits that thereafter, after taking opinion of a Gazetted Officer, Section 3 of the SC/ST Act was added on 23.03.2022.

After hearing learned counsel for the parties, considering the fact that for the first time, the complainant made the statement after a gap of about 21 days alleging the allegations of passing caste based remarks by the

petitioners, the present petition is allowed and the interim bail granted to the petitioners, vide order dated 30.06.2022, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

18.07.2022

*Waseem Ansari*

(ARVIND SINGH SANGWAN)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*