



208

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

CRA-S-1970-2024

Date of Decision:- 08.11.2024

JATINDER SHARMA

....Appellant.

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Amarpreet Singh, Advocate for Mr. Prashant Vashisth,
Advocate for the appellant.

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

Mr. Arjun Shukla, Advocate for the complainant.

AMARJOT BHATTI, J. (Oral)

1. Appellant – Jatinder Sharma has filed the instant appeal against impugned order dated 30.04.2024 whereby learned Additional Sessions Judge, Ludhiana dismissed the anticipatory bail application filed by the appellant in FIR No.125 dated 30.03.2024 under Section 3 (x) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989 read with Sections 506/34 of IPC registered at Police Station Division No.7, Ludhiana.

2. As per the facts of the case, Gurpreet Singh gave his statement that he is property dealer by profession and is working with his father. On 11.07.2023 at about 11.30 am they had gone to the Area adjoining Buddha Nala where they had carved out a colony. Due to heavy rain, said nala was over flowing and the water entered in the said colony as well as



government area of corporation used for parking buses. Due to this reason, embankment was raised with earth so that water may not enter in the area used for parking vehicles. Gurbachan Singh and Sukhdev Singh arrived on the spot along with him. They noticed many persons present there including Rohit Sharma who was unplugging the breach in the said embankment otherwise their colony would be flooded. Heated arguments took place. Rohit Sharma used abusive language naming caste. In the meantime, his brother Jitender Sharma also reached there and abused him. Regarding this occurrence, video went viral on social media. Rohit Sharma openly abused him naming caste. With these allegations, present FIR was registered.

3. Learned counsel for appellant argued that he is falsely implicated in this case being brother of Rohit Sharma. Initially he was not present on the spot and he came later. He is not attributed any specific words uttered by him falling under the provisions of SC/ST Act. He is ready to join the investigation and will abide by the terms of bail order. Without considering the allegations narrated in the FIR, his anticipatory bail application has been wrongly dismissed by passing impugned order dated 30.04.2024 passed by learned Additional Sessions Judge, Ludhiana. It is submitted that appellant may be granted anticipatory bail by accepting the present appeal.

4. Appeal is opposed by learned counsel representing State assisted by counsel for complainant. Learned counsel representing State pointed out that there are specific allegations against present appellant and his brother who abused the complainant naming caste. As per Section 18 of SC/ST Act, appellant is not entitled to claim anticipatory bail. Other accused Rohit Sharma is still absconding. However, it is conceded that present



appellant is not involved in any other case.

5. I have considered the arguments and have gone through the record. Complainant has levelled allegations against appellant that he uttered abuses naming caste. I have gone through the contents of FIR which indicates that initially altercation took place with Rohit Sharma who allegedly abused the complainant naming his caste. So far as Jitender Sharma, present appellant is concerned, he reached on the spot later and is not attributed any specific words uttered by him naming the caste of complainant. Learned counsel for appellant referred to the complaint initially filed by the complainant - Gurpreet Singh addressed to Commissioner of Police, Ludhiana and on that complaint inquiry was conducted and it was mentioned that incident took place on account of property dispute. Therefore, no action was required. Later the complainant filed complaint to Punjab State Scheduled Caste Commission and under pressure present FIR was registered.

Considering documents annexed with the appeal indicates that initially police enquired the matter and did not find it appropriate to register the FIR and subsequently present FIR was registered. As referred above, no specific words are attributed to the present appellant that he abused the complainant naming caste. Therefore, considering the role attributed to the present appellant, anticipatory bail application filed by the appellant was wrongly declined by passing impugned order dated 30.04.2024 and the same is accordingly set aside by accepting the present appeal and appellant is granted anticipatory bail. In case appellant is arrested, he be released on bail to the satisfaction of Arresting Officer/Investigating Officer subject to the condition that appellant will



join investigation as and when required. He will not tamper with or interfere with the investigation and will not leave the country without prior permission as provided under Section 482 (2) of BNSS.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly.

08.11.2024

(AMARJOT BHATTI)
JUDGE

snd
Whether speaking/reasoned: Yes/No.
Whether reportable: Yes/No