



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

CRA-S-2592-2023

Date of Decision: May 22, 2024

Balbir Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Sandeep Arora, Advocate for the appellant.

Mr. Sahil R. Bakshi, AAG, Punjab.

Mr. Ishan Gupta, Advocate for the complainant.

DEEPAK GUPTA, J.(Oral)

This appeal is directed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the SC & ST Act') against the order dated 31.08.2023 passed by learned Special Court, Ludhiana, whereby petition seeking anticipatory bail filed by the appellant in case FIR No.165, dated 19.08.2023 under Sections 3(X) of the SC & ST Act, registered at Police Station Machhiwara, District Khanna, Punjab, was dismissed.

2. Learned counsel for the appellant has drawn attention towards the initial complaint dated 28.11.2018 (Annexure P-2), which was made by complainant Bhupinder Kumar to various authorities in which, apart from making allegations of causing disturbance in performance of his duty, it was alleged that as and when petitioner used to meet complainant alone, he used to utter caste related remarks against him. Learned counsel contends that even if the said allegations including words as mentioned in the

complaint, are taken at its face value, the allegations itself would make it clear that the remarks were passed by the appellant not in public view, rather when the petitioner and complainant used to alone, so in these circumstances, the offence under Section 3(X) of the SC & ST Act is not made out.

3. Learned counsel for the appellant further contends that though the alleged incident took place on 25.11.2018 and after making necessary inquiries, the same was found to be false as per inquiry report dated 04.12.2019 submitted by the Senior Superintendent of Police, Khanna, but because of the repeated complaints made by the complainant, the present FIR has been lodged in August, 2023, i.e. after more than 04 years of the alleged incident.

4. Learned State counsel assisted by learned counsel for the complainant submits that in the subsequent inquiries, it has been found that caste related remarks have been uttered by the appellant in public view. However, it is conceded that in the initial complaint made to the various authorities, it was clearly mentioned by the complainant that caste remarks were uttered by the appellant when they used to alone.

5. In view of the aforesaid facts and circumstances, it will a moot point and will be a matter of trial as to whether Section 3(X) of the SC & ST Act is applicable to the present case or not.

6. Having noticed to the aforesaid circumstances, but without commenting anything further on the merits of the case, present appeal is allowed. Appellant is directed to join investigation and co-operate in the same. He will not leave the country without prior permission of the Court nor shall make any attempt to contact the complainant of the case or any

witness associated with the case. In the event of the arrest of the appellant, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

May 22, 2024
sarita

(DEEPAK GUPTA)
JUDGE

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