



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-131-2025
Date of decision: 19.02.2025

ARPIT GARGPetitioner

Versus

STATE OF PUNJABRespondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Siddharth Gupta, Advocate
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG Punjab.
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SANJIV BERRY, J. (ORAL)

The instant appeal has been preferred by the appellant against the order dated 07.01.2025 passed by learned Additional Sessions Judge/Special Court, Mansa, whereby the application for grant of anticipatory bail to the appellant in case FIR (Annexure P-1) has been dismissed. Details of FIR are as under:

FIR No.	Dated	Sections	Police Station
0182	04.12.2024	3(1)(r), 3(1)(s) of SC/ST (Prevention of Atrocities) Act	Bareta District Mansa

2. Heard.
3. Learned counsel for the appellant contends that appellant is innocent and has been falsely implicated in this case. He contends that vide order dated 16.01.2025, the appellant had been directed to join



investigation and was granted interim bail. He submits that in pursuance to the aforesaid order, the appellant has joined the investigation.

4. Learned State counsel intimates the Court that the appellant has joined the investigation and is neither required for further investigation nor for any custodial interrogation.

5. During the course of hearing on 16.01.2025, following order was passed: -

“Apprehending his arrest in FIR No.0182 dated 04.12.2024 registered for offences punishable under Sections 3(1)(s) and 3(1)(r) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (Amendment 215) at Police Station Bareta, District Mansa; the appellant has preferred this appeal u/s 14-A of SCST Act seeking pre-arrest bail.

At the outset, learned counsel for the appellant has submitted that, on account of inadvertence, the complainant could not be arrayed as a party-respondent in the main petition. An oral request has been made by learned counsel in this regard. Keeping in view the totality of facts and circumstances of the case, complainant, namely, Tarsem Singh Khalsa s/o Chanan Singh, r/o Bahadurpur, Tehsil Budhlada, District Mansa, is hereby impleaded as party-respondent No.2.

Registry is directed to carry out the requisite correction in the memo of parties.

Inter alia contends that the appellant was earlier exonerated by the concerned DCP but thereafter on the legal information of the concerned District Attorney, he has been implicated as an accused; the incident is alleged to have taken place on 25.04.2024 and on the said date, the appellant was a minor as his date of birth is 01.06.2006; the genesis of the dispute is primarily business related; the offences under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, are not made out against the appellant & the appellant is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the appellant has relied upon the dicta of a judgment of this Court in ‘Arvind Vs. State of Haryana and another’ passed in CRA-S-3707-2023 on 1.04.2024, relevant thereof reads as under:

“9.3 As an epilogue to above discussion, the following principles emerge: (I) A plea for grant of anticipatory bail/pre-arrest bail filed under Section 438 of Cr.P.C., 1973 is maintainable in respect of offence(s) alleged to have been committed under the



Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989. (II) Such a plea can be granted only when judicial scrutiny of the factual matrix of such case reflects that, insofar as allegations pertaining to offence(s) under the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 are concerned: "No prima facie case is made out" or "the case is prima facie false" or "the case is motivated" or "the case is mala fide" where "nongranteeing of such plea would cause miscarriage of justice or abuse of process of law" It is neither fathomable nor pragmatic to lay down any exhaustive/conclusive parameters as to what would be the touch-stone to determine these aspects in a given case as every case has its own peculiar factual matrix or (III) A Special Court [a Sessions Court which has been duly notified as per Section 14(1) of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989] an exclusive Special Court [duly established as per Section 14 the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989] is competent to adjudicate upon a plea for grant of anticipatory bail filed under Section 438 of Cr.P.C. 1973 in respect of offence(s) committed under the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989. Such Special Court/exclusive Special Court ought not to decline such a plea solely on the ground of such a plea not being maintainable in terms of statutory provisions contained in Section 18/18(A) of the Act and is rather required to delve into the merits thereof in accordance with law. While exercising its discretion, such Special Court/exclusive Special Court ought to consider the parameters enumerated hereinabove with respect to the accusations pertaining to 1989 Act."

Notice of motion.

On asking of the Court, Mr. Yuvraj Singh Tiwana, Asstt. A.G., Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 19.02.2025.

The appellant is directed to appear before the Investigating Officer on 22.01.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the appellant shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the appellant shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) BNSS, 2023."

6. After considering the rival contentions and perusing the record, it transpires that the appellant has been implicated in the instant



FIR for having committed offence punishable under Section 3(1)(r) and 3(1)(s) of the Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act 1989. At the same time, it is not disputed that the appellant, after having been directed vide order dated 16.01.2025, has joined the investigation. As per learned State counsel, he is not required for further investigation nor he is required for custodial interrogation of the case. This be the case, the interim bail granted to the appellant vide order dated 16.01.2025 is hereby confirmed subject to the conditions as envisaged under Section 482(2) BNSS. The appellant is directed to join investigation as and when required in future also by way of a written notice for such purpose to be served by Investigating Officer of this case; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. With these observations, the impugned order dated 07.01.2025 passed by learned Additional Sessions Judge/Special Court, Mansa, is set aside and the instant appeal stands allowed.

8. Pending application(s), if any, also stand disposed of.

19.02.2025

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(SANJIV BERRY)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |