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

**CRA-S-162-2025 (O&M)
DECIDED ON: 18.01.2025**

BALVIR SINGH**.....APPELLANT**

VERSUS

STATE OF PUNJAB AND ANOTHER**.....RESPONDENTS****CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.**

Present: Mr. Gurinder Singh Dhot, Advocate,
for the appellant.

SANJAY VASHISTH, J (ORAL)

1. Present appeal has been filed by the appellant – Balvir Singh, aged 69 years, by challenging the order dated 26.11.2024, whereby the application for grant of anticipatory bail has been dismissed by learned trial Court, in the proceedings arising from FIR No.19 dated 16.02.2021, under Sections 379, 420, 120-B of IPC, and Section 13-A of the Punjab Village Common Land (Regulation) Act, 1981 (Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was added later on while presenting the challan before the competent Court of law).



2. Learned counsel for the appellant *inter alia* contends that initially, the FIR against the appellant was registered under Sections 379,420, 120-B of IPC, and Section 13-A of the Punjab Village Common Land (Regulation)Act, 1981 and in all the aforesaid offences, anticipatory bail was granted vide order dated 31.03.2021 and said order was confirmed, vide order dated 09.04.2021, by the learned Sessions Judge, Patiala.

3. Learned counsel for the appellant submits that subsequently after completion of the investigation, in the final report, offence under Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short, 'the Act of 1989') has been added. Thus, a fresh bail application was filed by the appellant, which has been dismissed, being barred by virtue of Section 18 of the Act of 1989. Thus, by filing present appeal, appellant is before this Court.

4. Learned counsel for the appellant also submits that co-accused namely; Ajaib Singh has already been granted bail by this Court vide order dated 16.01.2025 passed in CRA-S-126-2025.

5. Notice of motion.

6. On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts an appearance on behalf of the respondent/State, and submits that crime against society has been committed in this case, which is a serious offence, and therefore, the act played by the appellant does not warrant any sympathy. Learned State counsel also submits that by virtue of a



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statutory bar under Section 18 of the Act of 1989, to entertain the anticipatory bail, present appeal is not maintainable.

7. Considering the aforementioned submissions, this Court is of the view that once at initial stage, the case was not registered under the Act of 1989, argument of the prosecution that offence under Section 3 of the Act of 1989 is outrightly made out from inception is a debatable question.

8. After considering the submissions addressed by counsel for the parties, this Court deems it appropriate to dispose of the present appeal by allowing the same and directing the appellant to surrender before the trial Court within a period of ten days from today.

On his appearance, he shall be released on bail, subject to his furnishing bail bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate. The appellant shall also abide by all the conditions laid down under Section 482(2) of the BNSS, 2023.

9. Besides, appellant would submit/surrender his passport before the concerned Court and an undertaking on oath that in case of leaving the country, he would seek prior permission from the concerned Court.

10. However, nothing observed herein shall have bearing on the merits of the case and all the questions shall remain open before the Trial Court during the trial.

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11. Disposed of.

18.01.2025
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(SANJAY VASHISTH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>