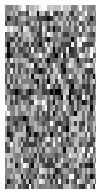


2025:PHHC:161259



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

101

CRA-S No.267 of 2024
Date of decision: 18.11.2025

Aman Deep ... Appellant
Vs.
State of Punjab and another ... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Ms. Sukhpreet Kaur, Advocate,
for the appellant.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

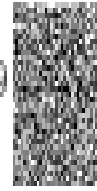
Mr. Vipin Mahajan, Senior Advocate,
with Ms. Tejinder Kaur, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The instant appeal has been filed by the appellant against the order dated 12.12.2023 passed by the Coordinate Bench of this Court whereby benefit of pre arrest bail had been granted to the respondent No.2 in case arising out of FIR No.101 dated 14.06.2023 registered under Sections 3 (1) (r) and 3 (1) (s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'the SC/ST Act'*) at Police Station Gharinda District Amritsar Rural.

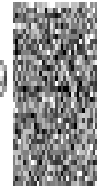
2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of a

2025.PHHC.161259



complaint submitted by the present appellant posted as a Lecturer in Government Senior Secondary School, Gumanpura, Amritsar alleging that he belonged to Scheduled Caste category. The respondent No.2-accused was posted as Principal in the above stated school. She was biased against the appellant due to his caste and used to make objectionable comments against the appellant and other teachers/persons of Scheduled Caste category. She had even addressed the Sarpanch of Village Gumanpura who was belonging to the same caste as “Chuhra” in his presence. She used to pass casteist remarks towards the students of Scheduled Caste category. The appellant had even heard the respondent No.2, while referring to him as “Chuhra” and insulting him in the name of his caste in the presence of other teachers of her school. The appellant had confronted her in this regard and she admitted that she had used objectionable casteist remarks but tried to evade by saying that they were not particularly against the appellant. By alleging that he had been insulted and humiliated by the respondent No.2, he prayed for taking action against her. After registration of FIR, investigation proceedings were initiated. Apprehending her arrest, the respondent No.2 had filed an application for grant of pre arrest bail which was dismissed by the trial Court. Then an appeal bearing CRA-S No.2146 of 2023 had been filed before the Coordinate Bench of this Court against the order of dismissal which was allowed and the respondent No.2 was given benefit of pre arrest bail.

2025.PHHC:161259



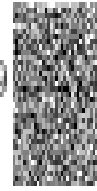
3. Aggrieved from the same, the instant appeal has been filed.

4. It is argued by learned counsel for the appellant that the impugned order is not sustainable in the eyes of law, as while passing this order, this Court did not appreciate the fact that there were specific allegations against the respondent No.2 and for conducting thorough investigation in the matter, her custodial interrogation was must. Apart from the fact that the ingredients of Section 18 of SC/ST Act were prima facie attracted in this case and as such, the prayer for grant of anticipatory bail was not even maintainable, had also not been taken into consideration. The case is still at the stage of investigation. The appellant and the respondent No.2 are still working in the same school and the former is causing mental harassment to the appellant on daily basis. She is even trying to influence the eye-witnesses and misusing the concession of bail and to tamper with the evidence. It is submitted that the continuance of the respondent No.2 on bail would lead to grave injustice and also amounts to hampering the course of law. It is, accordingly, urged that the impugned order is liable to be set aside and the bail granted to respondent No.2 is liable to be cancelled.

5. Learned Senior Deputy Advocate General, Punjab, on the other hand, has argued that the respondent No.2 has joined investigation and further investigation is being conducted. Challan has to be presented.

6. Learned counsel for respondent No.2 has vehemently argued that there is no illegality or infirmity in the impugned order. The appeal is

2025.PHHC.161259

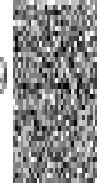


not even maintainable. The ingredients for commission of subject offences had not been attracted at all. The appellant had failed to produce any material on record to show that she has misused the concession of pre arrest bail as granted to her in any manner whatsoever. The FIR of this case was infact a counterblast to the complaint submitted by the respondent No.2 against the appellant who himself had been committing a lot of irregularities and misappropriation of funds in connivance with one Dilrajbir Singh in the school. It is, therefore, urged that there is no merit in the appeal and it is liable to be dismissed.

7. This Court has heard learned counsel for the parties at considerable length and has gone through the record.

8. At the outset, this Court considers it proper to mention that the well established principles governing the grant of bail are that the Court should consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence and likelihood of fleeing justice. Simultaneously, the principle governing the cancellation of bail are that such cancellation requires cogent and overwhelming circumstances and the same can be revoked, if the order granting bail has ignored relevant material available on record. The appellant in this case is challenging the order granting pre arrest bail to the respondent No.2 which actually amounts to seeking cancellation of bail. The well settled proposition of law is that cancellation of bail can be done in cases where the order granting bail

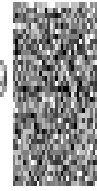
2025.PHHC.161259



suffers from serious infirmities resulting in miscarriage of justice. If the Court granting bail ignores relevant material indicating prima facie involvement of the accused and takes into account irrelevant material which has no relevance to the grant of bail to the accused, bail can also be revoked. If the relevant material on record, gravity of the offence or the societal impact are not considered by the concerned Court and the bail is granted in a mechanical manner, the order granting bail is liable to be set aside. Reference in this regard can be had to the observations made by Hon'ble Apex Court in **Myakala Dharmarajam v. The State of Telangana**, (2020) 2 SCC 743; **Imran v. Mr. Mohammed Bhava and another**, Criminal Appeal No.658 of 2022 (arising out of SLP (Crl.) No.27 of 2022) decided on 22.04.2022; **Dataram Singh v. State of Uttar Pradesh**, (2018) 3 SCC 22 and **Central Bureau of Investigation, Hyderabad v. Subramani Gopalakrishnan**, (2011) 5 SCC 296.

9. The appellant has been booked for commission of offences punishable under Sections 3 (1) (r) and 3 (1) (s) of the SC/ST Act on the allegations that she had intentionally insulted/intimidated the appellant who admittedly belongs to Scheduled caste community with intent to humiliate him by caste name, at a place within public view. This Court by passing order dated 03.10.2023 had directed the respondent No.2 to join investigation and to cooperate with the investigating agency. The respondent No.2 had joined the same and then vide order dated 12.12.2023, the bail order was made absolute. This order had obviously

2025.PHHC.161259



been passed while taking into consideration the fact that the ingredients for commission of the subject offences were prima facie not made out and, therefore, the specific bar under Section 18 of SC/ST Act was not attracted.

10. There is no material on record to show neither it is the case of the appellant that the respondent No.2 misused any term and condition for grant of bail or she committed any act or conduct amounting to evasion or to evade the due course of justice or abuse the concession of bail granted to her. The discretion to cancel bail/set aside the order granting bail is to be exercised by Court only if the order qua grant of bail smacks of arbitrariness/capriciousness or perversity or on being satisfied on the basis of record that accused has actually misused such liberty. This is not the case of the appellant. This Court had extended benefit of pre arrest bail to the respondent No.2 keeping in view the nature of the accusations, the severity of the punishment and the attendant facts. There is nothing on record to show that there is any apprehension on the part of the respondent No.2 of tampering with evidence or extending threats to the appellant, if she is allowed to remain on bail. No cogent or overwhelming circumstance required for cancelling the bail/setting aside the bail order is made out from the allegations as levelled against the respondent No.2. Having regard to all the above discussed facts and circumstances, this Court is of the considered opinion that the appeal does not deserve to be allowed. Accordingly, the same is



dismissed.

11. It is, however, clarified that observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

18.11.2025
manju

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No