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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRA-S-726-2025

Date of decision: 10.07.2025

DAVINDER SINGH

....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Sukhjot Singh, Advocate
for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

Mr. Mohit Kumar, Advocate for the complainant.

SANJAY VASHISTH. J.(Oral)

1. Present appeal has been filed by the appellant challenging the order dated 25.05.2025 passed by learned Additional Sessions Judge, SAS Nagar, whereby his anticipatory bail application, in case FIR No.0033, dated 12.02.2025, under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and Sections 351(2) of BNS, 2023, registered at Police Station Sadar Kharar, District SAS Nagar, was dismissed.

2. On 24.04.2025, following order was passed:-

“On 04.03.2025, following order was passed:

*“Present: 1. Mr. Sukhjot Singh, Advocate
for the appellant.*

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1. Present appeal has been filed by the appellant challenging the order dated 25.05.2025 passed by learned Additional Sessions Judge, SAS Nagar, whereby his anticipatory bail application, in case FIR No.0033, dated 12.02.2025, under Sections 3 and 4 of the Scheduled Castes and Scheduled Tribes (Prevention of



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Atrocities) Act, and Sections 351(2) of BNS, 2023, registered at Police Station Sadar Kharar, District SAS Nagar, was dismissed.

2. Learned counsel for the appellant, inter alia, contends that as per admitted version in the FIR, appellant and the complainant were not previously acquainted with each other. It was only in relation to a property matter that the complainant met the petitioner, Davinder Singh, 3-4 times. Furthermore, there is no allegation that the petitioner was aware of the complainant - Balwinder Singh's caste, prior to these meetings. Thus, prays for grant of concession of anticipatory bail to the petitioner in the present case.

4. Notice of motion.

5. On advance notice, Mr. Amandeep Singh, DAG, Punjab, puts in appearance on behalf of the respondent State, and seeks some time to file status report.

6. Let respondent No.2 be served through the SHO concerned, for 19.03.2025.”

2. List again on 10.07.2025.

3. Till next date of hearing, arrest of petitioner shall remain stayed. ”

3. Despite being asked time and again, neither learned State counsel nor counsel representing the complainant are in a position to controvert the contention got recorded by the appellant's counsel on 04.03.2025.

However, complainant's counsel submits that as a matter of fact complainant in FIR i.e. respondent No.2 and the appellant before this Court are known to each other for several years, though admits that said fact is not mentioned in the FIR. He further submits that said part has been stated by him in the reply and now sought to be filed on the record of the case.

4. To the view point of this Court, the response now submitted after the recording of the petitioner's contention on 04.03.2025, is not sufficient to assume that the appellant had any prior knowledge of the caste or community of the complainant.

5. However, it would be a moot question during the course of trial that the provisions of Sections 3 and 4 of the SC and ST Act are attracted or not.



6. In view of the above, the appellant is directed to join the investigation within a period of 02 weeks from today or as and when required to do so by the Investigating Agency. In the event of his arrest, the appellant shall be released on ad-interim bail, subject to his furnishing bail bonds to the satisfaction of the Arresting Officer. The appellant shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).
7. Accordingly, the present appeal stands disposed of.

10.07.2025
amandeep

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No