

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:146861



(101)

CRM-M-12218-2020
Decided on : 28.10.2025

Bijender and others

.....Petitioner(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE SUMEET GOEL

Present: Mr. Deepak Girotra, Advocate for the petitioner(s).

Mr. Tarun Aggarwal, Addl.AG, Haryana.

Ms. Prannita Singh, Advocate for
Mr. Arjun Sheoran, Advocate
for respondent No.2/complainant.

Sumeet Goel (Oral):

1. Apprehending their arrest in FIR No.332 dated 01.11.2018 registered for offences punishable under Sections 120-B, 153-A, 504, 505, 506 IPC and Sections 3(1) (n)(q)(r)(z) (za), 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police

Station Sadar Hansi, District Hisar; the petitioners have preferred this petition under Section 438 of Cr.P.C., seeking pre-arrest bail.

2. On 13.05.2020, the following order was passed by this Court:

“Learned counsel submits that the anticipatory bail of the petitioners had been declined by learned Additional Sessions Judge, Hissar on 24.03.2020 (P-3) only on account of the fact that Section 18 of the Act bars the grant of anticipatory bail. As per allegations, the petitioners have declared social boycott of Scheduled Caste Community of the village. Learned counsel has referred to F.I.R No. 225 dated 10.07.2017 with similar allegations against many person and challan was filed only against one Chander @ Fauji and rest named persons were not charge sheeted. The present F.I.R No. 332 dated 01.11.2018 has been lodged as counter blast to the F.I.R No. 302 dated 14.09.2017 lodged by Naresh-one of the petitioner in the present case. Learned counsel has referred to order dated 18.02.2020 (P-6) passed by Hon'ble the Supreme Court in CRM-M-14531-2018 whereby State was given time.

Notice of motion 14.07.2020.

At this stage, Ms. Tanisha Peshawaria, D.A.G, Haryana and Mr. Arjun Sheoran, accepts notice on behalf of respondent-State and complainant respectively.

*Learned counsel for complainant has referred to case titled as **Prithvi Raj Chauhan vs. Union of India and others, 220 SCC Online SC 159** and **Union of India vs. State of Maharashtra 2019 SCC Online SC 1279** to contend that anticipatory bail cannot be granted to the accused in an offence under Section 18 of SC/ST Act.*

Learned State counsel to get instructions with respect to status of investigation.

Keeping in view the order passed in Annexure P-3 to P-5, this Court is converting this petition into regular bail application and accordingly, the petitioners are directed to be released on regular bail subject to the satisfaction of Illaqa Magistrate/Trial Court/Duty Magistrate, Hansi.”

3. The order dated 13.05.2020 passed in the connected petition i.e. CRM-M-12229-2020 whereby the petitioners were granted the concession of ad-interim anticipatory bail, was challenged before the Hon'ble Supreme Court and the same has been upheld vide order dated 08.10.2025 passed in SLP (Crl.) No.2900 of 2020, relevant whereof reads thus:

*“1. We have heard learned counsel for the respective parties.
2.Learned standing counsel for the respondent-State submitted that the impugned order is dated 13.05.2020; that respondent-accused(s) have been granted the benefit of bail; that they are also cooperating with the trial; there is also peace prevailing in the village.
3. In the circumstances, we do not think it just and proper to interfere in the matters.
4. Hence, the Special Leave Petitions are dismissed.
5. Pending applications including deletion shall stand disposed of”*

4. Keeping in view the factual milieu of the case in hand, especially the factum of the interim order dated 13.05.2020 passed by this Court having affirmed by Hon'ble Supreme Court and there is no allegation of having misused the concession of interim bail earlier afforded to him, the petition is allowed and the order dated 13.05.2020 granting bail to the petitioner is hereby made absolute, subject to the conditions as enumerated under Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Cr.P.C. or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
8. Pending application(s), if any, shall also stand disposed off.

28.10.2025
Naveen

(SUMEET GOEL)
JUDGE

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