



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

CRA-S-1278-2025

Date of Decision:17.07.2025

Parminder Kaur and Anr.

...Appellants

vs.

State of Punjab and Anr.

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. G.B.S Dhillon, Advocate
for the appellants.

Mr. I.P.S Sabharwal, DAG, Punjab.

Mr. Baljinder Singh Singhvi, Advocate
for the complainant.

N.S.Shekhawat J. (Oral)

1. The appellants have filed the present appeal against the impugned order dated 04.04.2025 passed by the Judge Special Court, Ludhiana, whereby, anticipatory bail petition filed by the appellants was ordered to be dismissed in a complaint case No.SC/1270/2021 titled as **“Ashok Kumar Vs. Ankush Dutta and others”**, under Sections 323,341,506,148,149 of IPC and Section 3(1)(r) SC & SC Act.

2. While granting the concession of interim anticipatory bail by this Court, this Court had noticed the following contentions on 22.04.2025 and the same have been reproduced below:-

*“Learned counsel for the appellants submits that one
FIR No.369, dated 10.10.2018, under Sections
323,341,506,148,149 of IPC and 325 of IPC added later on, Police
Station Salem Tabri, Ludhiana was ordered to be registered*

against the complainant namely Ashok Kumar and his three accomplices on the basis of the complaint filed by Ankur Dutta, husband of appellant No.1. He further contends that the four injured namely Ashok Kumar, husband of appellant No.2, Ankush Dutta, husband of appellant No.1, Ankur Dutta and appellant No.2 had suffered serious injuries in the said incident. He further contends that initially a complaint dated 06.10.2018 was moved by Ashok Kumar, complainant against the present appellants and others, which was looked into by the various SITs headed by different police officials. By referring to the Enquiry reports (Annexures P-7 to P-13), learned counsel for the appellants further contends that the allegations levelled against the appellants were found to be false, however, by twisting the facts against the appellants, the respondent No.2 filed a criminal complaint against the appellants and the appellants have been wrongly summoned by the Trial Court by completely overlooking the material on record. Learned counsel for the appellants further submits that the appellants are ready to surrender before the Trial Court and are ready to join the investigation”.

3. Learned counsel for the appellants has reiterated the submissions and submitted that in compliance of the order dated 22.04.2025, passed by this Court, the appellants have surrendered before the Court of Learned Judge, Special Court, Ludhiana and have been admitted to interim bail. Thereafter, the appellants are continuously appearing before the Trial Court.

4. On the other hand learned State counsel assisted by learned counsel for the complainant have vehemently opposed the submissions made by learned counsel for the appellants on the ground that in view of Section 18 and 18-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the present appeal is not maintainable before this Court.

5. I have heard learned counsel for the parties and perused the record carefully.

6. In the present case, initially one FIR was ordered to be registered against complainant Ashok Kumar and his three companions on the basis of the complaint filed by Ankur Dutta. Even, the complainant had moved a complaint, which was dismissed by SITs headed by different police officials and the enquiry reports concluded that the allegations levelled by the complainant/respondent were false. Thus, at this stage, it would be debatable as to whether the offence under Section 3 of “SC and ST” Act is made out against the appellants or not. The respondent/complainant is yet to lead evidence before the Trial Court to prove the offence against the appellants.

7. In view of the above, the interim order dated 22.04.2025 is made absolute. It is made clear that the appellants shall continue to appear before the Trial Court on each and every date of hearing and shall not absent themselves from the Trial Court proceedings, without prior permission of the Court.

17.07.2025
hitesh

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No