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

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CRA-S No.1412 of 2025

Date of decision: 26.05.2025

Manmeet Singh Walia

... Appellant

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Gagandeep Singh Simble, Advocate,
for the appellant.

Ms. Sakshi Bakshi, AAG, Punjab,
for the respondent-State.

Mr. Ritesh Pandey, Advocate,
for respondent No.2.

MANISHA BATRA, J. (Oral)

1. The instant appeal has been filed by the appellant under Section 14-A of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (For short "SC&ST Act") against the order dated 17.04.2025 passed by the Court of learned Additional Sessions Judge, Gurdaspur in case arising out of FIR No.44 dated 02.04.2025 registered under Sections 299 and 324(4) of the Bharatiya Nyaya Sanhita, 2023 (For short "BNS") (Section 3(1) of SC&ST Act and Section 4 of Prevention of Damage to Public Property Act, 1984 and Section 61(2) of BNS added later on) at Police Station City Batala, whereby an application filed by the appellant for grant of pre arrest bail had been dismissed.

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2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the complaint lodged by the respondent No.2 Rakesh Kumar alleging that on 02.04.2025, he had seen few persons while standing near the statue of Dr. B.R. Ambedkar which was found to be in a damaged condition and alleged that to hurt the feelings of members of Scheduled Caste community, some antisocial elements had intentionally damaged and defiled the statue. FIR was initially registered against unknown persons. During investigation, an information was received on the basis of which the accused Dilkhushpreet Singh was arrested. He suffered a disclosure statement as per which on 31.03.2025, he along with the appellant had damaged the statue of Dr. B.R. Ambedkar. The appellant was nominated as an accused. Investigation proceedings have been initiated and are underway. Apprehending his arrest, the appellant had moved an application for grant of pre arrest bail which was dismissed by the Court of learned Additional Sessions Judge, Gurdaspur by passing the impugned order. Feeling aggrieved, the present appeal has been filed.

3. It is argued by learned counsel for the appellant that the impugned order is not sustainable in the eyes of law as while passing the same, the Court of learned Additional Sessions Judge did not appreciate the fact that he was not named in the FIR and was nominated as such on the basis of disclosure statement of co-accused which cannot be considered to be admissible in evidence. Infact, on 31.03.2025, he was

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celebrating his birthday with his friends and they had stopped their cars near the statute of Dr. B.R. Ambedkar and he clicked some photographs. He was not aware about any damage to the statute. He belongs to Backward Class. He had no intention to hurt the religious sentiments of any community. He is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. With these broad submissions, it is urged that the appeal deserves to be allowed.

4. Per contra, learned Assistant Advocate General, Punjab assisted by learned counsel for respondent No.2 has argued that there are serious allegations against the appellant. His involvement in commission of offence punishable under the provisions of Section 3 of SC&ST Act stands prima facie proved. As such, his prayer for pre arrest bail cannot be accepted as anticipatory bail cannot be allowed in such like matters. Neither the application before the Court of learned Additional Sessions Judge was maintainable nor the same is maintainable before this Court. Thorough investigation is required to be conducted for proper investigation in the matter. Therefore, it is urged that the appeal does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The appellant is alleged to have damaged/defiled the statute of Dr. B.R. Ambedkar. In the grounds of appeal himself, he has not categorically denied his involvement in damaging the statute and has

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submitted that he had clicked few photographs with the statute and being a reckless teenager was not aware about the consequences. This fact itself, prima facie shows the involvement of the appellant in damaging the statute of Dr. B.R. Ambedkar who is kept in high esteem by members of Scheduled Caste community. As per Section 3(1) (t) of SC&ST Act whoever destroys, damages or defiles any object generally known to be held sacred or in high esteem by the members of the Scheduled Castes or Scheduled Tribes, shall be liable to be punishment. Then as per Section 18 of the SC&ST Act, the provisions for grant of pre arrest bail shall not apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under the SC&ST Act. Since the provisions of Section 3 (1) (t) of the SC&ST Act are prima facie attracted in this case, therefore, this Court is of the considered opinion that the application for grant of pre arrest bail as filed by the appellant was not maintainable and, therefore, the learned Additional Sessions Judge, Gurdaspur rightly dismissed the same. This Court too does not found any ground to allow the appeal as it cannot be stated to be maintainable. Accordingly, the same is dismissed.

(MANISHA BATRA)
JUDGE

26.05.2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No