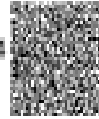


CRA-S-1453-2025 (O&M)
CRA-S-1497-2025(O&M)

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2025.PHHC.065244



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

281+282

CRA-S-1453-2025 (O&M)
Date of Decision: 15.05.2025

SATPAL SINGH @ S.P SINGH AND OTHERS

...Appellants

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

2.

CRA-S-1497-2025(O&M)
Date of Decision: 15.05.2025

RANJEET SINGH

...Appellant

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Nitin Narula, Advocate
for the appellants in CRA-S-1453-2025.

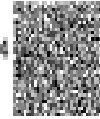
Mr. Deepkaran Dalal, Advocate
for the appellant in CRA-S-1497-2025 (through video
conferencing).

Mr. Jaypreet Singh, DAG, Punjab.

Mr. B.D. Sharma, Advocate
for respondent No.2 in both appeals.

HARPREET KAUR JEEWAN , J.

1. By way of filing the present appeals, the appellants-Satpal Singh @ S.P. Singh son of Kartar Singh, Ranjit Singh son of Piara Singh, Swaran Singh @ Sawaran Singh @ Kala Lahoria son of Desa Singh and Ranjeet Singh



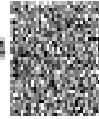
son of Bhagat Singh have challenged the present order dated 18.04.2025 passed by the learned Additional Sessions Judge-cum-Judge, Special Court, Jalandhar, whereby the bail application No.3195 of 2025, filed under Section 482 of BNSS, 2023 for grant of anticipatory bail to the appellants in complaint filed under Sections 3(1)(g), 3(1)(r), 3(1)(s) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities), Act, 1989, (for short *the 'Act of 1989'*) and under Sections 341, 456, 427, 506 read with Section 34 of the IPC, has been dismissed.

2. Both these appeals are taken up together since both have arisen out of the same complaint.

3. Mr. Nitin Narula, Advocate appearing for the appellants in counsel for the appellants CRA-S-1453-2025 submits that there was a civil litigation *inter se* the parties regarding which the private respondents have filed on 08.07.2016, a civil suit for permanent injunction. On 07.07.2023, the said civil suit was partly decreed by the Civil Judge (Junior Division), Jalandhar (Annexure P-3 in CRA-S-1453-2025). It is contended that by giving the color of criminal litigation, the appellants have been involved in the present case.

4. It is further submitted that the appellant-Satpal Singh @ S.P. Singh son of Kartar Singh himself belongs to Scheduled Caste community as per certificate (Annexure P-4 in CRA-S-1453-2025) issued by the Sub Divisional Officer, Batala and summoning order is bad in the eyes of law qua the said appellant.

5. Reliance has been placed upon the decision by the Hon'ble Apex Court in **B. Venkateswaran vs P. Bakthavatchalam 2023 AIR SC 262** and it is



submitted that in such cases, the bar under Section 18 and 18-A of the Act of 1989 would not be applicable.

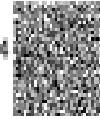
6. Mr. Deepkaran Dalal, Advocate for the appellant in CRA-S-1497-2025 made similar submissions and further contends that the appellant-Ranjeet Singh son of Bhagat Singh is suffering from various ailments as per his medical records (Annexure A-4 in CRA-S-1497-2025).

7. Mr. B.D. Sharma, Advocate, learned counsel for respondent No.2 submits that a detailed complaint (Annexures P-1 & A-2) was filed before the Area Magistrate, Jalandhar with regard to the occurrence dated 04.07.2016 and 07.07.2016. Initially, a complaint was given to the police, however, appellant-Satpal Singh @ S.P. Singh son of Kartar Singh was working in the Punjab Police department and police did not take any action, therefore, a criminal complaint was filed.

8. As per the allegations, on 04.07.2016, the appellants along with their accomplice had damaged and removed the iron gate installed in the southern side of the property of the respondent No.2-complainant and they have also used caste related remarks against the respondent No.2-complainant.

It is further an allegation that on 07.07.2016, the appellants with the help of labour employed by them removed the said gate and encroached upon the damaged part of the property of the respondent No.2-complainant by raising a pacca wall. It is further submitted that the appellants are not entitled to the concession of anticipatory bail.

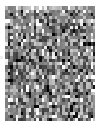
9. I have heard the aforesaid submissions and perused the paper-book.



10. No doubt, there is a bar under Section 18 and 18-A of the Act of 1989, however, it is not disputed that there is a civil litigation pending *inter se* the parties. The occurrence alleged by the respondent No.2-complainant is dated 04.07.2016 and 07.07.2016. However, on 08.07.2016, the private respondent has also filed a civil suit seeking permanent injunction and mandatory injunction with the similar allegations. The said suit has been partly decreed vide judgment dated 07.07.2023 (Annexure P-3 in CRA-S-1453-2025). There is discussion and observations by the Civil Court regarding the alleged damage of iron gate in para Nos. 34 and 35 of the said judgment. The said decision is stated to have been challenged by way of filing an appeal.

11. The Hon'ble Apex Court while observing the material on record in **B. Venkateswaran's case (supra)** that there was a civil dispute *inter se* the parties, which appears to have been converted into a criminal dispute and that too under the provisions of the Act of 1989 quashed the criminal proceedings initiated against the appellants for the offence under Sections 3(1)(v) and (va) of the Act of 1989.

12. It is further observed that it is a Criminal Complaint and no investigation is pending before the Police. Custodial interrogation of the appellants is not required. No purpose would be served by sending the appellants to custody pending trial. No recovery is to be effected from the appellants. It is also observed that the appellants-Satpal Singh @ S.P. Singh son of Kartar Singh is 61 years of age, Ranjit Singh son of Piara Singh is 77 years of age, Swaran Singh @ Sawaran Singh @ Kala Lahoria son of Desa Singh is 52 years of age and the age of Ranjeet Singh son of Bhagat Singh is



78.

13. Keeping in view the facts and circumstances on record, it appears that there is a civil dispute *inter se* the parties. So without expressing any opinion on merits, keeping in view the age of the appellants and also the fact that custodial interrogation is not required as well as in view of the ratio of decision of Hon'ble Apex Court in Prathvi Raj Chauhan Vs. Union of India and others, 2020(4) SCC 727, it is a fit case to grant concession of anticipatory bail to the appellants.

14. In view of the aforesaid reasons, the order dated 18.04.2025 passed by the Special Court, Jalandhar is set aside. Consequently, the present appeals are allowed.

15. The appellants are directed to surrender before the trial Court within a period of 10 days from today. In that event, they shall be admitted to bail upon furnishing requisite bail bonds to the satisfaction of the trial Court. In case, the appellants do not appear before the trial Court within the stipulated period and do not furnish the bail bonds to the satisfaction of the trial Court, the present order shall stand automatically vacated without any further reference.

16. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
(JUDGE

15.05.2025
P.Bhatt

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