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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30720-2025
Decided on: 29.05.2025

Ved Parkash ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rajinder Goel, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Harsh Mehla, Advocate for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
0041	07.03.2025	Chhachhrauli, District Yamunanagar, Haryana	3(1)(q) of Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act 1989

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In the bail application, the petitioner is silent about criminal antecedents.
3. The facts and allegations are being taken from the order dated 15.05.2025 passed by the Sessions Judge, Yamunanagar, which reads as follows:

“The allegations against the petitioner, as contained in the said FIR and its consequent proceedings, are that the complainant Daulat Rain filed a complaint before the Haryana State Commission for Scheduled Castes at Panchkula on 3.4.2024 inter alia stating that second marriage of his daughter Savita was solemnized with the petitioner Ved Parkash in February 2010; that the complainant belongs to a scheduled caste whereas the petitioner belongs to a general caste; that at the time of the said marriage, the said Savita had a daughter named Alisha from her first marriage; that the petitioner gave assurance to the said Alisha that he will fulfil all duties of a father with full responsibilities and will confer upon



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her all rights; that after some time, the petitioner started harassing physically, mental and financially not only the daughter Savita of the complainant but also the said Alisha; that in continuance of the said harassment etc., he lodged an FIR No. 306/2021 against the complainant, his daughter Savita and his granddaughter Alisha at Police Station Sector 17, HUDA, Jagadhri; that the said FIR was cancelled: that in this manner, by filing a false FIR against the said three persons, the petitioner has harassed, tortured and misbehaved with them who are members of a scheduled caste, without any reason; that on receipt of the said complaint, the State Commission summoned a status/fact finding report from the Superintendent of Police, Yamuna Nagar and the petitioner was also summoned to submit his explanation to the allegations levelled against him; that the Superintendent of Police, Yamuna Nagar submitted a report dated 12.10.2024 revealing thereby that the petitioner had filed a complaint No. 2801 dated 5.4.2023 against the said Savita which was found to be false and no instance of pendency of any protest petition against the said finding had been reported; that consequently, an action under Section 182 of the Indian Penal Code, 1860 (for brevity '1860 Code') was initiated against the petitioner by registering DDE No. 15 dated 24.4.2025 at Police Station Chhachhrauli and the said matter is now pending decision in the court of Shri Karamveer, learned JMJC, Bilaspur; that in this manner, the petitioner filed a false criminal complaint against the said Savita, a member of the scheduled caste; that the said act of the petitioner not only amounts to an offence under the 1860 Code but is also in contravention of the 1989 Act; that despite that, provisions of the 1989 Act had not been invoked in the said Calendra whereas Section 3(1)(q) thereof was clearly applicable against the petitioner; and that the petitioner, before filing such complaint, knew that the said Savita and the complainant etc. belonged to a scheduled caste whereas the petitioner belongs to a general caste. Apprehending his arrest in the said FIR, the petitioner is for anticipatory bail."

4. The petitioner's counsel on instructions submits that petitioner would use respectful words for the complainant, his daughter-Savita and also for the savita's daughter. He further submits that in case, petitioner uses casteist words or repeats the offence, he has no objection if complainant files application for cancellation of bail before the concerned trial Court. Counsel also prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. Vakalatnma on behalf of the complainant is taken on record.

6. The State's counsel as well as counsel for the complainant oppose the bail.

REASONING:

7. In Prathvi Raj v. Union of India, 2020:INSC:157 [Para 10], AIR 2020 SC 1036 , a three-judge bench of Supreme Court read down S. 18 by declaring as follows,



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[10]. Concerning the applicability of provisions of section 438 Cr.PC, it shall not apply to the cases under Act of 1989. However, if the complaint does not make out a prima facie case for applicability of the provisions of the Act of 1989, the bar created by section 18 and 18A (i) shall not apply.

8. Perusal of the petition reflects that complainant and petitioner are in long legal battle. Given the nature of allegations and role of the petitioner, he is entitled to relief. As concerned for the maintainability, this Court is not taking that point at this stage.

9. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

CONDITIONS:

10. Given the above, the penal provisions invoked coupled with the primafacie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

11. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the appellant-accused makes a case for bail.

12. Given above, provided the appellant-accused is not required in any other case, the Appellant-Accused shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

13. While furnishing a personal bond, the Appellant-Accused shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

14. This order is subject to the appellant-accused's complying with the following terms. The appellant-accused shall abide by all statutory bond conditions and appear



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before the concerned Court(s) on all dates. The appellant-accused shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

15. The Appellant-Accused is directed to join the investigation as and when called by the Investigator. The Appellant-Accused shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The Appellant-Accused shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the appellant-accused shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

16. In Siva v. State, Crl.A. No.46 of 2024, decided on 01 Feb 2024, Justice M. Nirmal Kumar of Madras High Court, while granting bail, imposed the following condition,

[6] ...After executing all the sureties within 15 days from coming out of prison, the appellants shall file affidavit before the concerned Court which reads as follows:

“I, as a Citizen of India, having utmost faith in the Constitution of India, am quite aware that 'Untouchability' has been abolished under our Constitution. I, hereby, take pledge that knowingly or unknowingly, I will not practice social discrimination based on untouchability either by words or deeds or in any other manner. I am aware that it is my duty to serve in a true, honest and faithful manner, as per the basic principles laid down under the Constitution, to create an independent Society, without any discrimination. I solemnly affirm that this would stand to speak forever the faith I have in the Indian Constitution.”

17. The petitioner is also directed to hand over two affidavits, in the same terms, attested by any Executive Magistrate or Notarized, to the concerned SHO within two weeks, one copy for the case file and one for the victim.

18. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the Appellant-Accused notice of a minimum of



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seven days, providing an opportunity to avail the remedies available in law.

19. It is clarified that if the appellant-accused violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the Appellant-Accused moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

20. **This bail is conditional, and the foundational condition is that if the appellant-accused indulges in any non-bailable offense, the State/complainant may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.**

21. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

22. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

23. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

29.05.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.