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

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CRA-S No.1948 of 2025

Date of decision: 14.11.2025

Anil Kumar

... Appellant

Vs.

State of Haryana and another

... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Narinder Dadwal, Advocate,
for the appellant.

Ms. Himani Arora, DAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present appeal has been filed under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the SC/ST Act') by the appellant challenging the order dated 04.06.2025 passed by the learned Additional Sessions Judge, Panipat, whereby an application filed by him for grant of anticipatory bail in case arising out of FIR No. 82 dated 16.05.2024, registered under Sections 148, 149, 323, 324, 506 of IPC, Section 3(1) of the SC/ST Act and Section 25 of Arms Act, 1959 at Police Station Panipat Sadar, District Panipat, had been dismissed.

2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR has been registered on 16.05.2024 on the basis of a written complaint filed by the complainant Mandeep alleging

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therein that on 12.05.2024 at about 7.30 P.M., when his aunt Suman was coming back from Gurudwara Sahib, Ranjeet, Anmol, Gurmukh, Rajbir, Sukhvinder and his brother and 10-15 other persons misbehaved with his aunt and used abusive words and manhandled her and stated that they would kill her nephew Mandeep i.e. the complainant. His aunt came at the house and disclosed the entire facts to them. After some time, the above said accused persons by taking weapons in their hands entered in the house and started to beat him. On hearing noises, Panjab, Narender and Gurcharan came at the spot. The said accused persons and Diler Singh also gave injuries to them and on hearing noises of quarrel, many persons gathered there. On which, the accused persons proclaimed that on that day they were saved but they would kill them and ran away along with their respective weapons. The injured were taken to Civil Hospital, Panipat for treatment. He prayed that legal action be taken against the culprits. After registration of the FIR, investigation proceedings have been initiated and the same are going on. During investigation, Narender Kumar, who was from the complainant party, stated that the accused persons had uttered the words xxx, xxx, xxx. Offences under Sections 3(1)(r) and 3(1)(s) of SC/ST Act were added. Apprehending his arrest, the appellant has filed an application before the Court of learned Additional Sessions Judge, Panipat but the same had been dismissed, vide impugned order. Hence, the present appeal.

3. The instant appeal has been filed by the appellant on the

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grounds and it is argued by his counsel that the impugned order is not sustainable in the eyes of law as while passing the same, the learned trial Court ignored the fact that he was not named in the FIR. No specific role had been attributed to him. There was delay of one day in reporting the matter to the police which had not been explained. There was no allegation in the FIR that either of the accused used any caste related derogatory words against the complainant. Such allegations were levelled after a gap of ten days from the date of alleged incident. He was nominated on the basis of disclosure statement suffered by co-accused Shera which cannot be considered to be admissible in evidence. He is ready to join investigation. No recovery is to be effected from him. His custodial interrogation is not required. The provisions of Section 3 of SC/ST Act are not attracted against the appellant. The co-accused Rajbir, Diler Singh, Ranjeet Singh and Satvinder Singh have been extended benefit of pre arrest bail. The learned Additional Sessions Judge, Panipat wrongly observed that the provisions of 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), were not attracted. In view of the allegations qua commission of offence punishable under Sections 3 (1) (r) and 3 (1) (s) of SC/ST Act, it is, therefore, urged that the impugned order is liable to be set aside, the appeal deserves to be accepted and further that the appellant deserves to be given benefit of bail.

4. Learned Deputy Advocate General, Haryana has argued that

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there are serious and specific allegations against the appellant. The complainant and other victims have sustained multiple injuries in the incident. It is further argued that thorough investigation is required to be conducted in the matter. Even otherwise, provisions of Sections 3(1)(r) and 3(1)(s) of the SC/ST Act are fully attracted in this case, thereby creating a bar for exercising powers under Section 482 of BNSS. Hence, it is urged that the present appeal is liable to be dismissed.

5. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record carefully.

6. As per allegations, the appellant along with co-accused are alleged to have manhandled and misbehaved with the aunt of the complainant and to have used abusive words against her when she was coming back from Gurudwara on 12.05.2024 at about 7.30 P.M. It is alleged that the appellant with other co-accused, armed with respective weapons, reached at the house of the complainant after some time and they opened attack on the complainant's party, in which, they received several injuries. A perusal of the contents of the FIR shows that no specific attribution has been made by the complainant towards the appellant. Even the appellant is not named in the FIR. The allegations levelled in the FIR lack specificity. Although, several injuries were sustained by the complainant's party in the incident but as per MLR, all of them are simple in nature. More so, as per status report filed by the

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respondent-State, a cross case bearing FIR No. 83 dated 16.05.2024, under Sections 148, 149, 323, 452 and 506 of IPC has also been registered against the complainant party. Therefore, it would be a question to be decided by the trial Court as to which party was the aggressor party.

7. Further, with regard to allegations of the case falling within the ambit of Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, it may be stated that initially there were no allegations attracting these provisions and it was only on the statement of Narender Kumar, recorded on 22.05.2024, alleging that the accused persons had uttered the words xxx, xxx, xxx against him that the provisions of SC/ST Act were invoked. The provisions of Sections 3(1)(r) and 3(1)(s) of SC/ST Act say that any person who intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view or abuses any member of a Scheduled Caste or a Scheduled Tribe by caste name in any place within public view shall be liable to be punished under these sections. Due to delay of 10 days in recording the statement by witness Narender Kumar, the possibility of false allegations having been made against the appellant and co-accused with a view to invoke the provisions of SC/ST Act cannot be ruled out. Had the appellant or any other co-accused made any caste related derogatory remarks, then it would have been recorded in the FIR at the first instance and not after 10 days of the incident. More so, the incident had

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admittedly taken place within the house of the complainant. Hence, it would be a matter of trial as to whether the alleged caste related words, even if assumed to have been made by the appellant, were uttered in public view or not. Therefore, no prima facie case for commission of offence punishable under Sections 3(1)(r) and 3(1)(s) of SC/ST Act can be stated to have been made out, thereby attracting the bar under Section 18 of SC/ST Act. Reliance in this regard can be placed upon **Dr. Subhash Kashinath Mahajan v. State of Maharashtra and another**, (2018) 6 SCC 454, wherein Hon'ble Supreme Court has held that anticipatory bail could be granted if a prima facie case of commission of an offence under the Act is not made out or if it can be shown that the allegations were false. Accordingly, it is held in the peculiar facts and circumstances of the case that the appellant deserves to be extended benefit of pre-arrest bail.

8. Accordingly, the present appeal is allowed. The impugned order is set aside. The appellant is granted concession of anticipatory bail, subject to the conditions envisaged under Section 482(2) of BNSS. This order shall also be subject to the following conditions:-

(i) The appellant shall appear before the Investigating Officer within a period of 10 days from today and cooperate with the investigation and shall appear before the Investigating Officer as and when required.

(ii) He shall not directly or indirectly make any inducement,



threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.

- (iii) He shall not commit any similar offence while on bail.
9. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.
10. It is made clear that the observations made hereinabove are only for the purpose of deciding the present appeal and the same shall not be construed as an expression of opinion on the merits of the case.

14.11.2025	(MANISHA BATRA)
manju	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No