

**CRA-S-2206-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Case No. : CRA-S-2206-2025****Pronounced On : September 03, 2025**

Makhan Singh @ Makhan Bhaika Appellant
vs.
State of Punjab and others Respondents

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

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Present : Mr. R. V. S. Chugh, Advocate
for the appellant.

Ms. Gagandeep Kaur, DAG, Punjab.

Mr. K. S. Sidhu, Advocate
for respondent no.2

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SUKHVINDER KAUR, J. :

Through the present appeal filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity – the SC/ST Act), the appellant has impugned order dated 14.07.2025, passed by learned Additional Sessions Judge, Mansa, thereby dismissing the anticipatory bail application filed by the appellant.

Learned counsel for the appellant contended that the appellant has been falsely implicated in the present case with the allegations that the appellant had posted videos on YouTube Channel against Inspector Daljit Singh and had used some words, which are against his caste and community. He further contended that the appellant brought misdeeds of Inspector Daljit Singh in the public domain through social media by posting 2-3 videos on his YouTube Channel. Inspector Daljit Singh, with his



influence, got written an application from some organizations of Scheduled Castes and Scheduled Tribes of the area, against the appellant by alleging that in these videos, some words used were against their community. He urged that the appellant was not in the knowledge of caste of said Inspector Daljit Singh and there was no occasion for him to use any castiest remarks against him. He argued that the word **“Khach”** means stupid, arrogant person, which has been used in Punjabi literature book namely **“Dhup Vich Khilri Raat”** and has been used at page no.85 in that book by famous writer Shri Balwant Singh Ramuwalia. The words **“Katir”** and **Katiran”** mean disrespectful person, bad person and group of such persons collected in huge number and these words have been used in Punjabi literature book namely **“Ik Miyan DoTalwaran”** by famous writer Shri Nanak Singh. The word **“Galuck”** means greedy and untrustful person, which has been used in the aforesaid Punjabi literature book namely **“Dhup Vich Khilri Raat”** and the word **“Nasal”** is normally and usually used for persons doing misdeeds/bad activities which are not in fact suited for his family and ancestors and this word **“Nasal”** has been used in Punjabi literature book namely **“Ek Chadar Maili See”** written by famous writer Shri Rajinder Singh Bedi and the same finds mention at page no.105. He further submitted that the words **“Katir”** and **Katiran”** have also been used by many Punjabi Folk Singers in their songs, which had been released after getting due permissions from the Censor Board. All the aforesaid words, which have been stated to be used by the appellant in his videos, are the words of Punjabi Literature and do not attract the provisions of the SC/ST Act. Learned counsel further contended that it is settled law that where the complaint does not make out prima facie case for applicability of provisions of the SC/ST Act, the bar created by



Section 18 of the SC/ST Act shall not apply. Moreover, since the maximum sentence for offences mentioned in the FIR does not exceed seven years, so, directions issued by Hon'ble Supreme Court in the case of **Arnesh Kumar vs, State of Bihar and others – 2014(3) Law Herald (Supreme Court) 1793** would apply in the present petition. Thus, the counsel has prayed that the appellant be granted concession of anticipatory bail.

Two Status Reports dated 04.08.2025 and 20.08.2025 have been placed on record by learned counsel representing the State.

Learned State counsel opposed the present appeal and contended that as per the inquiry conducted by the State, in the video clips, the aforesaid words had been used against the victim – Inspector Daljit Singh as he belongs to Scheduled Caste category, which attracts the provisions of the SC/ST Act. The appellant himself does not belong to the Scheduled Caste. She also submitted that the words **“khach and kateed”** can be considered casteist and derogatory terms, when used to insult or demean individuals based on their caste.

I have considered the arguments advanced by both the parties and have gone through the record carefully.

It has been argued by learned counsel for the appellant that the word **“Khach”** means stupid, arrogant person and the words **“Katir and Katiran”** mean disrespectful person, bad person and group of such persons collected in huge number. The word **“Galuck”** means greedy and untrustful person and the word **“Nasal”** is usually used for persons doing misdeeds/ bad activities, not suited for his family members. In the Status Report submitted by learned State counsel also, it has been submitted that the impact of aforesaid words can vary, based on the context and region. So, it



is debatable whether the aforesaid words attract the provisions laid down under the SC/ST Act, which is to be adjudicated upon during the trial. There is no such material on record, from which it can be inferred that at the time of uploading the videos on social media, the appellant was in the knowledge of complainant’s caste. There is nothing to prove that these objectionable words were uttered on account of the fact that the complainant belongs to a particular community. Bar under Section 18 of the SC/ST Act will not be applicable in the present case. The custodial interrogation of the appellant is not required for any purpose and no fruitful purpose would be served by sending him behind bars.

So, having regard to the facts and circumstances of the present case, this Court is of the view that the anticipatory bail application filed by the appellant was wrongly rejected by learned Additional Sessions Judge, Mansa by passing the impugned order dated 14.07.2025.

Accordingly, without commenting on the merits of the case, the present appeal is allowed. In the event of his arrest, the appellant is ordered to be released on bail, on his furnishing bail/surety bonds, to the satisfaction of the Arresting Officer/ Investigating Officer, subject to the conditions, as provided under Section 482(2) of BNSS. It will be open for the Investigating Officer to call the appellant to join investigation, if so required, by issuing a written notice in this regard and they shall abide by the conditions mentioned in Section 482(2) of the BNSS.

September 03, 2025

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(SUKHVINDER KAUR)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.

