

2025:PHHC:127404



CRA-S-2409-2025 (O&M)
Date of Decision: 15.09.2025.

State of Punjab and another ...Respondents.

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Mr. Baljinder Singh, Advocate for respondent No.2.

Appellants have challenged the order dated 30.07.2025 passed by Additional Sessions Judge, Hoshiarpur, in terms of which, his application for grant of anticipatory bail in FIR No.185 dated 21.07.2025, under Sections 3(1)m, 3(1)r, 3(1)s, 3(1)y, 3(1)za (D) of SC/ST, Act and Section 127(2) of BNS, registered at Police Station Tanda, Hoshiarpur, has been dismissed.

Learned counsel for the appellants has contended that the appellants have been falsely implicated in the present case. There is unexplained delay of 07 days in registration of the FIR. Contradictory facts have been mentioned in complaint dated 14.07.2025 filed by Gram Panchayat Nangal Jalal, from the complaint on the basis of which FIR was registered. In the aforesaid complaint dated 14.07.2025, there were no allegations regarding passing of casteist remarks by appellants in Panchayat meeting. The present FIR is counter blast to aforesaid complaint dated

14.07.2025 filed by Karnail Singh. The trial Court had not appreciated the overall facts in the present case while dismissing the anticipatory bail application.

Learned counsel representing the State filed status report and opposed the bail application while contending that the appellant uttered derogatory words against caste of the complainant and along with other co-accused also gave beatings to the complainant and therefore, they do not deserve the concession of anticipatory bail.

I have considered the arguments and have gone through the record carefully.

The appellants have placed on record complaint dated 14.07.2025 (Annexure A2) filed by appellant Karnail Singh against Manish @ Nishu, Yakooob, Raja, Sarabjit Singh @ Sabi for abusing, assaulting and threats to kill, outside his house at night, which is prior to the present FIR. It was alleged therein that on 14.07.2025, at around 8 A.M., a Panchayat was convened. At that time, Sabi, Manish, Yakooob and Raja had brought 7-8 unidentified boys with them, who were completely intoxicated. When the Panchayat proceedings began, Sabi raised Lalkara and along with all his companions attacked them. Yakooob was having a sharp edged weapon with him and they narrowly escaped from the spot and saved their lives.

The appellants have also placed on record Annexure A-3, i.e. complaint filed by Gram Panchayat and villagers Nangal Jalal, in which it had been alleged that on night of 12.07.2025, Devinder Kumar @ Deepu, Manish Kumar @ Nishu went to repair the fuse of the transformer. At that time, Naresh Kumar, Karnail Singh and Karnail Singh's wife abused Davinder Singh and assaulted them. On the same night, Naresh Kumar,

Karnail Singh and his wife came outside the house of the Sarpanch and verbally abused the Sarpanch and used casteist slurs and gave threats to kill. It was also mentioned therein that on 14.07.2025, at about 8:30 A.M., Naresh Kumar and Karnail Singh were called before the Panchayat, who came there along with Seva Singh, Sukhdev Singh and 10-12 other persons. Karnail Singh, Seva Singh, Sukhdev Singh and Naresh Kumar along with their associates, attacked Davinder Kumar and Manish Kumar with weapons and beat them mercilessly. When some persons tried to save Davinder Kumar and Manish Kumar, they were also attacked with the weapons. In the Panchayat, Karnail Singh issued threats to kill the Sarpanch.

Thus, as per the aforesaid complaint, there are no allegations that on 14.07.2025 in the panchayat meeting, the appellants had uttered any casteist remarks against the complainant and other SC/ST community. On the other hand, in the complaint, on the basis of which the present FIR had been registered, specific allegations were made in contradiction to the aforesaid complaint, that the appellants had used derogatory language and also made casteist remarks in the panchayat meeting held on 14.07.2025. In the complaint Annexure A-3, the allegations had been made qua four persons, namely, Karnail Singh, Seva Singh, Naresh Kumar and Sukhdev Singh @ Goga, while in the other complaint, on the basis of which the FIR had been registered, the allegations had been made qua five persons, namely, Karnail Singh, Seva Singh, Naresh Kumar, Sukhdev Singh @ Goga and Pooran Singh @ Poorni. Thus, there are glaring contradictions between the complaint dated 14.07.2025 Annexure A-3 and the allegations levelled in the complaint basis of FIR. Thus, it is a matter of trial that whether the alleged casteist remarks were used by the appellants in the panchayat

meeting.

As per the allegations in the FIR during the panchayat meeting, the complainant and other SC/ST members were attacked by the appellants and others, but no MLR has been produced on record, regarding any injuries sustained in the said incident. No specific role or injury has been attributed to the appellants. Custodial interrogation of the appellants is not required in the present case for any purpose and nothing is to be recovered from them.

Considering the aforesaid facts, the anticipatory bail application filed by the appellants was wrongly rejected by learned Additional Sessions Judge, Hoshiarpur by passing the impugned order dated 30.07.2025.

Accordingly, without commenting on the merits of the case, the present appeal is allowed. In the event of his arrest, the appellants are ordered to be released on bail, on their 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 appellants 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.

(SUKHVINDER KAUR)
JUDGE

15.09.2025.

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