



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

213

CRA-S No.2561 of 2025 (O&M)

Reserved on :04.09.2025

Pronounced on: 08.09.2025

Roshan Deen @ Roshan and another

.....Appellants

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Argued by: Mr.Manbir Singh Batth, Advocate for the appellants

Mr. Rohit Bansal, Sr. DAG Punjab.

Mr. H.P.S.Ishar, Advocate for respondent No.2
(through hybrid mode).

SURYA PARTAP SINGH, J. (Oral):

Aggrieved of the order dated 13.08.2025 passed by learned Special Judge, SBS Nagar, designated under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at SBS Nagar, whereby the application for anticipatory bail preferred by the appellants has been dismissed, the appellants has preferred this appeal.

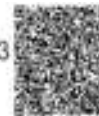
2. As per record one FIR for the commission of offence punishable under Sections 115(2), 126(2), 351(2) 3(5) BNS and Sections 3(1) (e) & 3(1) (r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been lodged in Police Station Rahon, District SBS Nagar, as FIR No.0093 dated 22.07.2025. One of the co-accused named in the above mentioned FIR is the appellant. The appellants when approached, the learned Special Judge,



for anticipatory bail, it did not find favour of the Court and the same was dismissed. Aggrieved of the abovesaid order the present appeal has been preferred.

3. This appeal has been filed by the appellants, on the ground that the learned Special Judge has failed to appreciate the fact that any case for the commission of offence punishable under Sections 115(2), 126(2), 351(2) 3(5) BNS and Sections 3(1) (e) & 3(1) (r) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not made out against the appellants, and that there is delay of more than 7 months in lodging the FIR, which in itself is a proof of the fact that a false story has been cooked up by the prosecution. According to appellants the learned trial Court has ignored the fact that any incident, as claimed by the complainant, had not taken place in public view and, therefore, any case under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act is not made out against the appellants. While seeking for the setting aside of impugned order, the appellants has sought the benefit of anticipatory bail.

4. Briefly stated the facts projected by the prosecution are that FIR of this case came into being on the statement of complainant Avtar Singh. The complainant alleged that he was an agriculturist belonging to scheduled caste. According to complainant he wanted to purchase land for construction of a hall in the name of “Baba Sahib Dr. Bhim Rao Ambedkar”, when Kulwinder Singh told him that Baljit Singh was willing to sell his land. According to complainant an agreement to sell with regard to sale of land had been executed between him and Baljeet Singh on 26.12.2023 and on that day a sum of Rs.



15,00,000/- was paid as advance. As per complainant subsequently, i.e. on 01.03.2024, 06.04.2024 and 08.04.2024 the amounts of Rs.11,00,000/-, Rs.27,96,875/- and Rs. 4,00,000/- were paid by him to Jagtar Singh. It was also claimed by the complainant that possession of the land was also handed over to him by the vendor, but later on, i.e. on 02.12.2024, when he was collecting bricks in the above mentioned plot Jagtar Singh, Baljeet Singh, Roshan and Farid, armed with lathies, came there and entered into a scuffle with the complainant. The complainant further alleged that the abovesaid assailants forcibly removed his clothes and when he raised hue and cry for help, and public started gathering on the spot, the assailants fled from the spot while hurling abuses in the name of complainant's caste.

5. Heard.

6. It has been contended by learned counsel for the appellants that with regard to the same incidents three complaints were preferred by respondent No.2 and that in the first two complaints there were no allegations against the appellants, but, as an after thought, the names of the appellants were included in the complaint lateron. According to learned counsel for the appellants the respondent No.2 is in the habit of filing false complaint under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against innocent persons and that while indulging in similar kind of activities the respondent No.2 had filed a complaint before the Punjab State Commission for Scheduled Castes against Devinder Nath Chopra and others, but later on during the course of investigation he compromised the matter and withdrew the same.

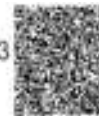
7. It has also been argued by learned counsel for the appellants that



the respondent No.2 has criminal antecedents and he himself had launched an attack upon the house of appellants along with 8-10 masked persons carrying kirpans and other weapons, and with regard to above mentioned incidents FIR dated 18.09.2024 under Sections 74, 75 and 76 of BNS was lodged against the respondent No.2 by Kiran Kumari daughter of Amarjit Singh. According to learned counsel for the appellants as a counter blast to the above mentioned criminal action, the respondent No.2 has resorted to present FIR on the basis of false allegations.

8. It has also been argued by learned counsel for the appellants that the learned Special Judge has failed to appreciate the above mentioned facts leading to filing of false FIR by the respondent No.2, and merely by observing that there is a bar under Section 18 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the application of the appellants for anticipatory bail has been dismissed. As per learned counsel for the appellants the impugned order is not sustainable and, therefore, there is need for indulgence and interference in the impugned order by exercising the appellate jurisdiction.

9. The above mentioned arguments have been controverted by learned State counsel. According to learned State counsel in the present case, at this stage, when the bail application of the appellants has to be considered by this Court, the only relevant factors are the contents of FIR. According to learned State counsel there are very specific and categorical allegations with regard to commission of offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the appellants and that there is a bar for grant of anticipatory bail in such cases, and, therefore, no fault can be found in

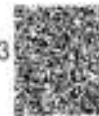


the observations recorded by the learned Special Judge. While defending the impugned judgment the learned State counsel has also argued that the learned Special Judge has duly appreciated the fact that the provisions of Section 3 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are applicable in the instant case and that with regard to benefit of anticipatory bail there is a bar under Section 18 of the above said act, and thus, the application for anticipatory bail is liable to be dismissed.

10. The record has been perused carefully.

11. A careful perusal of record shows:

1. that there is no denial of the fact that respondent No.2 belongs to scheduled caste and the appellants not;
2. that both the appellants and respondent No.2 are resident of the same village and, therefore, there can be no question with regard to knowledge of appellants to the effect that respondent No.2 belongs to scheduled caste;
3. that the allegations contained in the grounds of appeal in itself shows that it is an admitted fact that a quarrel had taken place between the appellants and the respondent No.2;
4. It is an admitted fact that the appellants has suffered injuries in the above mentioned incident and in view of the fact that causing injury is a scheduled one offence under Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, in view of Section 3(2)(v)(a), the above mentioned act of the appellants comes within a definition of offence under Section 3 of Scheduled



Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Therefore, irrespective of the fact that abusive language was used by the appellants in public domain or not, the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are attracted in the present case.

12. As a sequel to above mentioned observations once the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are *prima faice* attracted in the present case, it is apparent that a right observation has been made by the learned Special Judge while invoking the bar enshrined under Section 18 of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In the given fact situation, the benefit of anticipatory bail has rightly been denied to the appellants, by the learned Special Judge.

13. In the opinion of this Court, there is no illegality or perversity in the findings recorded by the learned Special Judge, in the impugned order and, therefore, there is no scope for intervention or indulgence of appellate jurisdiction of this Court in the impugned order. As a sequel to above mentioned observations, finding no merit in the present appeal the same deserves dismissal. Accordingly, the instant appeal is hereby dismissed.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on:08.09.2025

Manoj Bhutani

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