

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

2025:PHHC:171685



CRA-S-2437-2022 (O&M)
Date of decision: 09.12.2025.

MEENU GUPTA AND ANOTHER

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. L.S. Sekhon, Advocate,
for the appellants.

Ms. Savi Nagpal, AAG, Punjab.

VINOD S. BHARDWAJ, J. (Oral)

The instant appeal has been filed against the order dated 15.11.2022 passed by the Additional Sessions Judge, Mansa, whereby the application filed by the appellants under Section 438 Cr.P.C. for grant of anticipatory bail in complaint case bearing No.SC158 dated 14.10.2019 filed under Section 500 of the Indian Penal Code, 1860 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) 1989, had been dismissed.

Mr. P.K.S. Phoolka, Advocate, enters appearance and files power of attorney on behalf of respondent No.2.

The matter came up for hearing on 23.11.2022 and the

following order was passed: -

“Learned counsel for the appellants has submitted that it is a case where the appellants had filed an application for grant of anticipatory bail before the learned Sessions Court which has been dismissed and since it was a case where the allegations were pertaining to SC & ST Act, the appeal has been preferred. He submitted that even a perusal of the complaint itself would show that the allegations are totally vague and it has not been specified as to which person had attributed the caste relating expressions upon the complainant. He further submitted that even a perusal of the impugned order would show that even after noting the judgment of the Hon'ble Supreme Court in Prathvi Raj Chauhan Versus Union of India and others [2020(4) SCC 727], the learned Sessions Court has not even considered as to how the bar will be applicable and no satisfaction has been recorded in that regard.

Notice of motion.

Mr. Amit Rana, learned Senior Deputy Advocate General, Punjab accepts notice on behalf of the State of Punjab and prays for some time to file an affidavit.

Adjourned to 12.04.2023.

In the meantime, appellants are directed to join the investigation as and when called by the Investigating Officer. In the event of their arrest, they shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 438(2) Cr.P.C.”

Counsel for the appellants contends that pursuant to the aforesaid order, the appellants appeared before the trial Court and have been admitted on interim bail on their furnishing bail bonds/surety bonds to the satisfaction of the said Court. He thus contends that the order dated

23.11.2022 be confirmed.

Counsel appearing on behalf of respondent No.2 vehemently opposed the prayer. He contends that the appellants have been summoned in an offence under the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act) 1989, hence, the benefit be not extended to the appellants. He, however, does not dispute that the appellants have been released on interim bail in terms of the order dated 23.11.2022 passed by this Court and since then they have not misused the said concession.

Having heard the learned counsel for the parties and taking into consideration the facts noticed above, the present appeal is allowed. The interim order dated 23.11.2022 is confirmed.

Pending misc. application(s), if any, shall also stand(s) disposed of accordingly.

December 09, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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