

S. No.101

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

CRA-S-2617 of 2025

Date of Decision:28.08.2025

Harish Chander

.....Appellant

Vs.

State of Punjab and another

.....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Rajesh Bhatheja, Advocate for the appellant.

Mr. Gorav Kathuria, DAG, Punjab.

Mr. Jatinderpal Singh, Advocate for the complainant.

Yashvir Singh Rathor, J. (Oral)

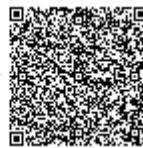
1. This appeal is directed against the order dated 06.08.2025 vide which the application for anticipatory bail moved by the appellant before the Court of learned Additional Sessions Judge, Shri Muktsar Sahib, has been rejected in case arising out of FIR No.102 dated 26.07.2025 registered under Section 3(1)(r) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amendment 2015) (for short, 'the SC & ST Act').

2. Upon notice, the State Counsel and counsel for the complainant have appeared and opposed the bail petition. Parties have been heard and material placed on the file has been perused. Power of Attorney filed on behalf of the complainant is taken on record.

3. The present case has been registered on the basis of complaint given to the police by one Shinder Singh with the allegations that he is Majhbi Sikh and



is a Scheduled Caste. He is a former Sarpanch of his village Doda and he used to visit government offices for common and social work with his villagers. One Jasbir Singh, resident of his Village was married with Annie Tandon, daughter of Harish Chander, on 24.02.2024 but after the marriage, differences arose between the husband and wife. Harish Chander contacted him to get the matter resolved and to depose in his favour. Several Panchayats were also convened to resolve the dispute but it was of no help. Thereafter, Harish Chander started contacting him often and asked him to get his statement recorded against Jasbir Singh and his family members in connection with the investigation of one complaint filed by him with the Moga Police but he refused to give a false statement. He also offered to bribe him in exchange of giving false statement but he did not agree. Thereafter, Harish Chander told that the complaint moved by him before Moga Police has been filed because he did not testify against Jasbir Singh and his family members and he started to talk rudely and used abusive language against his caste regarding which he filed one complaint at Police Post Doda. When Harish Chander came to know of the complaint filed by him, he along with his four accomplices, called him to Village Doda in front of Jangir Palace and asked him to withdraw the complaint. On 01.03.2025, Harish Chander along with his two accomplices came to Police Post Doda in connection with the said complaint submitted by him and he along with Sukhmander Singh alias Sukhi and Gurjant Singh had also gone to Police Post Doda. They sought some time for compromise and then they went to Bus Stand and he tried to give Rs.5,000/- to him but he refused, as a result of which Harish Chander and his accomplices got angry and



used abusive language saying that “People of your Majhbi caste used to carry human waste in villages and cities, and now with the wrong schemes of the governments, you have become sarpanches and are ruling over us (Harish Chander, etc.) while being Majhbi. We are explaining to you (me) like a human being, but your (my) mind has remained that of a Dheda, and we know how to straighten Dhedas, and when we put kerosene oil in your shit-hole and set your ass on fire, you will know. Apart from this, they used dirty and obscene language against his caste on which he feel humiliated to even record here.” He further alleged that 2-3 more persons from the village namely, Gurwinder Singh and Mandeep Kumar were also standing at the Bus Stand and Harish Chander and his accomplices insulted him badly at a public place in front of these people and he felt hurt and sought action.

4. Learned counsel for the appellant argued that false allegations have been levelled in the FIR. In fact the matrimonial dispute has arisen between daughter of the petitioner and his son-in-law Jasbir Singh and complainant is favouring Jasbir Singh and his family members and the present FIR has been got lodged falsely at the behest of family of Jasbir Singh to pressurise the petitioner and his family members to enter into a compromise. Learned counsel contended that provisions of SC & ST Act have been misused by putting forward concocted and false version and even from perusal of the FIR, no offence under the said Act is made out. Learned counsel further contended that he did not have the knowledge that complainant belongs to Scheduled Caste and as such, it cannot be said that the appellant had any intention to insult him. The allegations are also vague and general in nature which do not attract the provisions of the SC & ST Act. Learned counsel further contended that the appellant is ready to join the



investigation and to abide by the conditions that may be imposed by the Court and the impugned order be set aside and benefit of anticipatory bail be granted in his favour. In support of his contention, learned counsel has relied upon judgments of this Court in **CRA-S-2596-2023 - Mahesh and another Vs. State of Haryana**, **CRA-S-2737-2023 – Rahul Singh Vs. State of Haryana** decided on 15.11.2023 and **CRA-S-4195-2024 (O&M) - Kewal Singh Vs. State of Punjab and another**, and a judgment of Hon'ble the Supreme Court in **AIR 2020 Supreme Court 1036 – Prathvi Raj Chauhan Vs. Union of India**.

5. On the other hand, learned State Counsel assisted by counsel for the complainant submits that the first appeal filed by the appellant was withdrawn vide order dated 13.08.2025 and no permission was sought to file the second appeal and same is thus not maintainable. Learned counsel further argued that the allegations against the appellant are serious in nature as he had abused the victim in the name of his caste within public view in the presence of public persons and the ingredients of Section 3 of SC & ST Act are attracted and the application for anticipatory bail is barred in view of Section 18 of SC & ST Act. Learned trial Court has also rightly rejected the bail being not maintainable and there is no reason to take a contrary view.

6. The allegations against the appellant are serious in nature. He has abused the complainant in the name of his caste who is a Majhbi Sikh and belongs to Scheduled Caste. The vulgar abuses were hurled within public view in the presence of witnesses at the Bus Stand and prima-facie offence under Section 3(1) (5) of the Act is made out against the petitioner. Section 18 of the SC & ST Act bars the grant of anticipatory bail which is reproduced as under:-



“18. Section 438 of the Code not to apply to persons committing an offence under the Act.—

Nothing in section 438 of the Code shall apply in relation to any case involving the arrest of any person on an accusation of having committed an offence under this Act.”

7. A perusal of the afore-said provision makes it clear that the application for anticipatory bail is not maintainable if an offence under Section 3(1)(5) of the SC & ST Act is made out from the given allegations. Learned trial Court has also rightly rejected the bail being not maintainable and there is no reason to take a contrary view and resultantly, the appeal in hand is dismissed.

(Yashvir Singh Rathor)
Judge

August 28, 2025
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No