**CRA-S-2738-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.207****Case No. : CRA-S-2738-2025****Decided On : October 30, 2025**

Ramesh Kumar @ Makhnu

.... Appellant

vs.

State of Punjab and another

.... Respondents

CORAM : HON'BLE MRS. JUSTICE SUKHVINDER KAUR.

* * *

Present : Mr. Akashdeep Miglani, Advocate
for the appellant.

Mr. P. S. Pandher, AAG, Punjab.

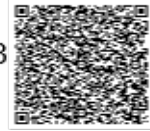
Mr. Ankit Joshi, Advocate (Legal Aid Counsel)
for the complainant/respondent no.2.

* * *

SUKHVINDER KAUR, J. :

Through the present appeal filed under Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for brevity – the SC/ST Act), the appellant has impugned order dated 30.07.2025, passed by learned Additional Sessions Judge, Ludhiana, thereby dismissing the anticipatory bail application filed by the appellant.

Brief facts of the case are that on 24.01.2020, respondent no.2/complainant, who belonged to Balmiki caste, got published a news in the newspaper against illegal gambling being run in the locality by the present appellant and others, where he was running a shop. As a result, the appellant, and his family members, who belonged to Suniara/Sharma caste,



got annoyed with the complainant and on 17.04.2020, when the complainant along with his wife was present near his shop, the appellant and his daughter uttered objectionable casteist remarks against the complainant and his family and also threatened to kill him and his family members for getting the news published in the newspaper. Thereafter, after some time, after coming to his shop, complainant and his family were attacked by the appellant and his family, causing injuries to them and when they approached the police for getting the case registered, no action was taken due to political pressure of the appellant. Rather, false FIR No.58 dated 21.04.2020, under Sections 323, 341, 506, 509, 452, 148, 149 IPC was registered against the complainant and his family, for the reason that he got published news in newspaper against the appellant party.

Learned counsel for the appellant contended that the appellant has been falsely implicated in the present case with the allegations that the appellant and his family had used objectionable casteist words qua the complainant. He further contended that it had been concealed by the complainant that earlier also, he had moved an application with the police authorities regarding same subject matter, but the allegations levelled by him were found to be false as he could not produce sufficient evidence regarding the alleged scuffle or any derogatory language used by the appellant against the complainant. It was further contended that the complainant also approached this Court by way of CWP-7382-2022 and in that case also, he did not appear and the case was dismissed in default vide order dated 12.08.2025, passed by a Co-ordinate Bench of this Court.



CRA-S-2738-2025

3

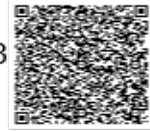
Learned counsel further contended that it is settled law that where the complainant is unable make out prima facie case for applicability of provisions of the SC/ST Act, the bar created by Section 18 of the SC/ST Act shall not apply. Moreover, since the maximum sentence for offences mentioned in the 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. He submitted that the bail application of petitioner has been wrongly dismissed by the Trial Court and he be granted concession of anticipatory bail.

Status Report dated 30.09.2025 had already 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 prosecution, derogatory casteist words had been used against the complainant, which attracts the provisions of the SC/ST Act. The appellant himself does not belong to the Scheduled Caste. However, he fairly conceded that the appellant has not been found involved in any other case apart from the present one.

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

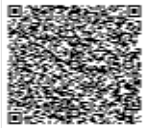
In the present case, it has not been specified that whether the alleged casteist remarks were uttered in presence of other persons or whether those persons had come later on. A perusal of the Summoning Order dated 17.05.2024, passed by learned Judge, Special Court, Ludhiana, reveals that it



has been mentioned in the order itself that witnesses of the complainant had given different versions regarding the alleged casteist words uttered to the complainant and his wife and they also differed regarding – whether the alleged casteist remarks were used by wife of the appellant or by both of them. It has also been specifically observed that deposition of other witnesses seem to have been improved. So, it is a matter of trial whether the alleged derogatory casteist remarks were uttered by the appellant within the public view so as to attract the provisions of SC/ST Act. The Summoning Order further reveals that there is no allegation against the appellant qua Section 354 IPC. Although summoning was sought by the complainant under Section 452 IPC, yet offence no such offence under Section 452 IPC was made out from the facts of the case.

Apart from what has been discussed above, this Court cannot be oblivious of the fact that the complainant had earlier moved an application with the police authorities regarding same subject matter, but he could not succeed and the allegations levelled by him were found to be false due to absence of any evidence regarding the occurrence in question. Not only this, the complainant also approached this Court by filing writ petition i.e. **CWP-7382-2022** and in that case also, failed to appear. Consequently, the same was dismissed in default vide order dated 12.08.2025, passed by a Co-ordinate Bench of this Court.

In view of the above and as it is complaint case, where the custodial interrogation of the appellant is not required, no fruitful purpose is likely to 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, Ludhiana by passing the impugned order dated 30.07.2025.

Accordingly, without commenting on the merits of the case, the present appeal is allowed. Appellant is directed to surrender before the Trial Court within within a period of two weeks from today. On doing so, he shall be admitted to bail on furnishing bail bonds and surety bonds to the satisfaction of learned Trial Court.

Before parting with the judgment, it is made clear that if the petitioner fails to appear before the learned Trial Court, the interim protection granted by this Court shall be deemed to be vacated.

October 30, 2025
monika

(SUKHVINDER KAUR)
JUDGE

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