



CRA-S-2845-2025

-1-

204

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

CRA-S-2845-2025

Date of decision : 26.11.2025

SATBIR @ SATYA

..... APPELLANT

VERSUS

STATE OF HARYANA AND ANOTHER

..... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

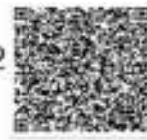
Present : Mr. Yogesh Vashista, Advocate
for the appellant.

Ms. Deepali Verma, Asstt. A.G. Haryana.

SURYA PARTAP SINGH. J.(Oral)

1. This appeal against the order dated 06.09.2025 has been preferred by the appellant on the ground that the order passed by the learned Vacation Judge-cum-Additional Sessions Judge, Jhajjar, is not sustainable in the eyes of law.

2. Briefly, stating the facts emerging from the record are that one FIR No. 230 dated 30.08.2025, for the commission of offence punishable under Sections 351(3) of BNS and 3(1)(s) and 3(2)(va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, has been lodged in Police Station Salhawas. Since the appellant is apprehending arrest in the present case, he moved an application for anticipatory before the learned Vacation Judge-cum-Additional Sessions Judge, Jhajjar, but the same has been dismissed.



CRA-S-2845-2025

-2-

3. The allegations as contained in the FIR are that the complainant, who belongs to scheduled caste, was residing in village Reduwas, District Jhajjar, and there was a dispute with regard to sale and purchase of property. According to complainant, the appellant, on one occasion, called the complainant and used abusive language in the name of his caste. In addition to above, it is also an allegation that the appellant also threatened to kill the complainant's son and burn complainant's house.

4. Heard.

5. It has been contended on behalf of appellant that neither the allegations, as contained in the FIR show any injury on the person of complainant, or his family member, nor the abusive language was used in public view. As per learned counsel for the appellant, prior to alleged incident, two FIRs against the sons of the complainant were filed and as a counter-blast to the above-mentioned cases, the present complaint has been filed.

6. Per contra, the learned State counsel has argued that during the course of investigation, it has been found that casteist remarks were made by the appellant in public view, and therefore, the provisions of Section 18 of the Act are attracted in this case. As per learned State counsel, in view of Section 18 of the SC & ST Act, the benefit of anticipatory bail cannot be accorded to the appellant.

7. The record has been perused carefully.

8. In the present case, the following factors are required to be taken into consideration:-

- i) that in the FIR, there is no allegation that in public view, any casteist remarks were made;



CRA-S-2845-2025

-3-

- ii) that already two FIRs against the sons of the complainant, at the instance of appellant, had been filed;
- iii) that no injury has been caused on the person of complainant, and therefore, any weapon of offence etc. is not to be recovered from the possession of appellant/accused.
- iv) that the investigation and trial of the case are not likely to be concluded in near future.
- v) that custodial interrogation of the appellant is not required.

9. In the present case it shall not be out of place to mention here that on 11.09.2025, the benefit of interim anticipatory bail was afforded to the appellant and today learned State counsel has submitted that in compliance of above-mentioned order the appellant has already joined investigation and for further investigation of the case his custodial interrogation is not required.

10. Taking into consideration all the above-mentioned relevant factors in the present case once there is a very strong doubt with regard to applicability of Section 3/4 of SC/ST Act and the stand of the prosecution itself is that custodial interrogation of the appellant is not required, it is hereby held that the order impugned in the present appeal is not sustainable and deserves to be set aside. Hence by accepting the present appeal the impugned order is hereby set aside and the appellant is hereby admitted to anticipatory bail by making that order dated 11.09.2025 to be absolute.

11. The present appeal stands allowed accordingly.

(SURYA PARTAP SINGH)
JUDGE

26.11.2025*vipin*

Whether speaking/reasoned	:	Yes
Whether Reportable	:	No