

2025:PHHC:160900



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-3001-2025

Paramjit Singh alias Param Walia

....Appellant

versus

State of Punjab and another

....Respondents

Date of decision: November 19, 2025

Date of Uploading: November 19, 2025

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Aayush Gupta, Advocate for the appellant.

Mr. Jaypreet Singh, DAG Punjab.

Mr. Sukhjit Singh, Advocate for respondent No.2.

SUMEET GOEL, J. (ORAL)

Present appeal has been filed under Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 for grant of concession of anticipatory bail to the appellant in case FIR No.16 dated 07.09.2025, registered for offences punishable under Sections 356(2) of BNS, 67 of IT Act and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (for short 'SC/ST Act'), at Police Station Cyber Crime PS Khanna, District Ludhiana.

2. On 29.09.2025, the following order was passed:

“Apprehending his arrest in FIR No.0016 dated 07.09.2025 registered for offences punishable under Section 356(2) of BNS 2023, Section 67 of the Information Technology Act, 2000 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Cyber Crime, Police District Khanna, District Ludhiana; the appellant has preferred the present appeal under Section 14 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities)

Act, 1989, challenging the order dated 16.09.2025 passed by learned Additional Sessions Judge, Ludhiana.

*Counsel for the appellant, inter alia, contends that the appellant has been falsely implicated into the FIR in question on account of his political rivalry with the complainant, the term “chhota bartan” refers to a situation where the complainant has received more than what was due to him and the same cannot be said to be casteist one, the word “accidental president” is on similar connotation and does not relate to any caste related issue, the appellant has disclosed his complete antecedents by way of CRM-39563-2025 & the appellant is willing to join investigation and cooperate therein. In order to buttress his arguments, learned counsel for the appellant has relied upon the dicta of the judgment of this Court in **Arvind Vs. State of Haryana and another, 2024(2) Law Herald 970**, relevant whereof reads thus:*

“9.3. As an epilogue to above discussion, the following principles emerge:

(I) A plea for grant of anticipatory bail/pre-arrest bail filed under Section 438 of Cr.P.C., 1973 is maintainable in respect of offence(s) alleged to have been committed under the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(II) Such a plea can be granted only when judicial scrutiny of the factual matrix of such case reflects that; insofar as allegations pertaining to offence(s) under the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 are concerned; “No prima facie case is made out” or “the case is prima facie false” or “the case is motivated” or “the case is malafide ”or where “non-granting of such plea would cause miscarriage of justice or abuse of process of law”. It is neither fathomable nor pragmatic to lay down any exhaustive/conclusive parameters as to what would be the touch-stone to determine these aspects in a given case as every case has its own peculiar factual matrix. (III) A Special Court [a Sessions Court which has been duly notified as per Section 14(1) of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989]/ an exclusive Special Court [duly established as per Section 14 the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989] is competent to adjudicate upon a plea for grant of anticipatory bail filed under Section 438 of Cr.P.C, 1973 in respect of offence(s) committed under the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989. Such Special Court/exclusive Special Court ought not to decline such a plea solely on the ground of such a plea not being maintainable in terms of statutory provisions contained in Section 18/18(A) of the Act and is rather required to delve into the merits thereof in accordance with law. While exercising its discretion, such Special Court/exclusive Special Court ought to consider the parameters enumerated hereinabove with respect to the accusations pertaining to 1989 Act.”

Notice of motion.

On the strength of advance notice; Mr. Amit Kumar Goyal, Addl. AG, Punjab has entered appearance on behalf of the respondent-State of Punjab.

At this stage; Mr. Sukhjot Singh, Advocate has entered appearance on behalf of respondent No.2.

Adjourned to 04.11.2025.

Respondents are at liberty to file reply.

The appellant is directed to appear before the Investigating Officer on 08.10.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the appellant shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the appellant shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.”

2.1. Thereafter, on 04.11.2025, following order was passed:

“Learned State counsel submits that the petitioner has joined the investigation, however, he is required to join further.

The petitioner is directed to join the investigation with the concerned investigating officer in the concerned police station at 11:00 am on 07.11.2025 and continue to rejoin the investigation as and when called for by the investigating officer.

Put up on 19.11.2025.

Interim order to continue.”

3. Learned State counsel (on instructions) has stated that pursuant to the order dated 29.09.2025, the appellant has indeed joined investigation and his custodial interrogation is not required.

4. Learned counsel for the complainant has vehemently opposed the grant of anticipatory bail to the appellant by arguing that there are direct/serious allegations against the appellant and hence, he ought not to be extended concession of anticipatory bail. Learned counsel has further argued that in case, the appellant is extended the concession of anticipatory bail, there is all likelihood that he may abscond from the process of justice and interfere with the prosecution evidence.

5. Having heard learned counsel for the parties and keeping in view the entirety of factual *milieu* of the case in hand; especially, the factum of appellant having joined investigation and is not required for custodial interrogation by the State, the interim order dated 29.09.2025 passed by this

Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

6. Appeal stands allowed, accordingly.

7. This order should not be treated as “blanket” order. It will not be read granting appellant indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the appellant violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

9. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

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

(SUMEET GOEL)
JUDGE

November 19, 2025
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No