



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

**203**

CRA-S-3030-2025

Date of decision: 15.10.2025

Shashi Bala and another

...Appellants

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present : Mr. Vishal Nehra, Advocate for the appellants.

Ms. Shweta Nahata, DAG, Haryana.

\*\*\*\*\*

**AARADHNA SAWHNEY, J.(ORAL)**

1. Appellants have filed the present appeal for grant of anticipatory bail in case FIR No. 204 dated 21.08.2025, under Sections 115(2), 351(3), 79 of BNS and Section 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, registered at Police Station Old Subzi Mandi, Rohtak.
2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

*On 21.08.2025, an intimation was received in the Police Station regarding admission of injured Saurav Ranga son of Satender, Sunny s/o Ramesh and Anita wife of Satender, all residents of Ashok Nagar, Rohtak, in Civil Hospital, Rohtak, on account of having suffered injuries in an assault. Immediately thereafter ASI Sandeep reached the emergency ward of Hospital, collected rukka and MLRs of the injured and after taking permission of the doctor on duty, recorded statement of complainant-injured Sunny Rangi, who pointed therein that their neighbour, Trilok (appellant No.2) and his family*



*members used to dump trash near his house. Many a times, they had been requested not to do so, but no heed was paid. On 21.08.2025, his mother Smt. Bimla Devi requested Shashi Bala (appellant No.1) wife of Trilok not to put garbage in front of the house. This request infuriated appellant No.1, who abused his mother and used certain casteist words. On hearing noise, he (complainant) rushed outside his house, when suddenly appellant No.2 (Trilok), accompanied by his two sons Sonu and Monu and his daughters, who were armed with sticks and iron pipes, rushed up to him and before he could react unleashed an attack. Appellant No.2 hit him (complainant) with a stick on his back, others also joined. Sensing trouble, his mother called his uncle's son Saurav Rangi and aunt Anita, who were also assaulted by the appellants and their children.*

On the basis of the said complaint and Medico legal report of all the injured, a formal case vide FIR No. 204 dated 21.08.2025, under Sections 110, 115(2), 190, 191(3), 351(3), 79 of BNS and Section 3(2)(va) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, was registered against appellants and others.

Admittedly, during the course of investigation, Section 110 BNS (Section 307 IPC) was deleted. Both the sons of the appellants namely Mohit @ Monu and Rohit @ Sonu were arrested and got recovered the weapon of offence i.e. sticks used by them in the commission of offence. Further, the investigation is still under way.

3. Apprehending their arrest, appellants moved an application for grant of anticipatory bail before the learned Additional Sessions Judge, Rohtak, which was dismissed vide order dated 19.09.2025. Aggrieved of the same, the present appeal has been filed.

4. Learned counsel, at the outset, submits that appellants have



been falsely implicated in the present case. Allegations levelled against them and their family members are totally frivolous. Incident has been given a different colour by the complainant party only with a view to harass appellants and their family members, as also to extract illegal monetary benefit from them. Continuing further learned counsel submits that appellants are running a phone repair shop under the name and style of “Balaji Mobile Store”, on the ground floor of their house, much to the dislike of tenant of the complainant party, who were on the look out of an opportunity to get the shop closed and thus concocted a frivolous story. Falsity of the case set up by complainant party is apparent from the fact that in his initial version given to the police authorities, complainant Sunny Rangi only levelled vague allegations that appellant No.1 abused his (complainant) mother and used castiest slur. Later with a view to strengthen their case, Smt. Bimla (mother of the complainant) falsely alleged that appellant No.1 addressed her “*Kutiya Kamini Chamari*”. Learned counsel next submits that ingredients for commission of offence punishable under Section 3(2)(va) of SC/ST Act are not at all attracted in the present case. Further as per learned counsel, presence of appellants, who are middle aged persons is not needed for custodial interrogation, nonetheless they are willing to join the investigation as and when called for by the Investigating Officer. Primarily on these grounds, it was prayed that concession of pre-arrest bail be granted to the appellants.

5. Reply by way of an affidavit of Mr. Gulab Singh, HPS Deputy Superintendent of Police, District Rohtak has been placed on record. In para 6 thereof, the role of the appellants has been specified, inasmuch as that appellant No.1 abused the mother of the complainant and used



unparliamentary words against her, whereas appellant No.2, who was armed with a stick assaulted complainant.

Learned State counsel submits that the bar created under Section 18 of the SC/ST Act is attracted in the present case. There being no illegality or infirmity in the impugned order dated 19.09.2025 passed by the learned Additional Sessions Judge, Rohtak. Learned State counsel further submits that custodial interrogation of the appellants is needed for thorough investigation. Dismissal of the petition has been prayed for.

6. I have heard the learned counsel for the parties and gone through the documents on record.

7. Before expressing any opinion on the merits of the rival contentions raised by learned counsel for the petitioner and learned State counsel, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

Hon'ble the Supreme Court in "**P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791)**", has observed as under:-

*"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to*



be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

Hon’ble the Supreme Court while deciding the case titled as **“Ms. X Vs. The State of Maharashtra and another”, (2023 SCC Online SC 279)** held as under:-

“11.1. We propose to take a quick look at the considerations that ought to govern grant of anticipatory bail. There are a line of decisions of this court that have underscored the fact that while deciding an application for bail, the court ought to refrain from undertaking a detailed analysis of the evidence, the focus being on the prima facie issues including consideration of some reasonable grounds that would go to show if the accused has committed the offence or those facts that would reflect on the seriousness of the offence. The self-imposed restraint on delving deep into the analysis of the evidence at that stage is for valid reasons, namely, to prevent any prejudice to the case set up by the prosecution or the defence likely to be taken by the accused and to keep all aspects of the matter open till the trial is concluded.

12. *In Prasanta Kumar Sarkar's case (supra) **(Prasanta Kumar Sarkar Vs. Ashish Chatterjee and another)**, a Division Bench of this Court had highlighted the factors that ought to be borne in mind while considering the anticipatory bail application and had stated that :-*

*"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*



CRA-S-3030-2025

6

- (iii) severity of the punishment in the event of conviction;
- (iv) danger of the accused absconding or fleeing, if released on bail;
- (v) character, behaviour, means, position and standing of the accused;
- (vi) likelihood of the offence being repeated;
- (vii) reasonable apprehension of the witnesses being influenced;
- and
- (viii) danger, of course, of justice being thwarted by grant of bail.”

In **Nikita Jagganath Shetty @ Nikita Vishwajeet Jadhav vs.**

**The State of Maharashtra and another, 2025 AIR SC 3375**, the Hon’ble Supreme Court held that “Anticipatory bail is an exceptional remedy and ought not to be granted in a routine manner.”

Factual aspects of the case leading to the lodging of the FIR have already been noted in para 2 of this order. In brief, as alleged by complainant, fight ensued between him and the appellants, when his (complainant) mother requested appellant No.1 not to dump garbage in front of the house. It is alleged that appellant No.1 used caste specific abusing words, whereas appellant No.2 along with his sons assaulted complainant and other relatives, who had come to their rescue. From the documents on record, it can further be revealed that complainant and his other 2 relatives suffered multiple injuries. While interpreting Section 18 of the SC/ST Act, Hon’ble Supreme Court in **Kiran vs. Rajkumar Jivraj Jain and another, 2025(4) RCR (Criminal) 18**, held as under:-

*“5.2 It is evident from the above provision of Section 18 that it expressly excludes the applicability of Section 438 of the Code of Criminal Procedure, 1973 (“hereinafter referred to as “the Cr.PC”). In another words, in relation to any case involving arrest of a person who is facing the accusation about committing offence under this Act, protection of Section 438,*



CRA-S-3030-2025

7

*Cr.P.C. would not be available. The Legislature has taken away the benefit of anticipatory bail in respect of the arrest for the offences alleged under the SC/ST Act. The bar in Section 18 of the SC/ST Act would operate.”*

It would also be appropriate to refer to Section 3(2)(va) of the SC/ST Act, which reads as under:-

*“commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine;]”*

The offences with which the appellants have been charged are mentioned in the Schedule appended along with The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

In view of discussion made hereinabove, the Court is of the opinion that prima facie offence under Section 3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 is made out from the bare reading of the FIR. Appellants have, thus, not been able to make out a case of exceptional depravity/hardship in their favour, entitling them for the grant of this extra ordinary relief of pre-arrest bail.

8. The appeal being devoid of merit, is hereby dismissed.

**(AARADHNA SAWHNEY)**  
**JUDGE**

15.10.2025

Hemant

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