



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Appeal No. S-3283 of 2025

Reserved On: 29.10.2025
Pronounced On: 31.10.2025

Mandeep Singh alias Monu Sardar

... Appellant(s)

Versus

State of Haryana and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. Preetinder Singh Ahluwalia, Senior Advocate
with Mr. Manish Mehta, Advocate
for the appellant(s).

Mr. Parveen Kumar Aggarwal, Additional Advocate General,
Haryana, for the respondent No.1.

Mr. Rohit Mittal, Advocate
for the respondent No.2/complainant.

Surya Partap Singh, J.

1. Aggrieved of the order dated 14.10.2025, passed by the learned Additional Sessions Judge, Narnaul, the present appeal has been preferred on the ground that the impugned order is not sustainable in the eyes of law.

2. For the commission of offence punishable under Section 296, 115, 351(3), 304 and 3(5) of the Bharatiya Nyaya Sanhita, 2023, hereinafter being referred as “BNS” only, and Section 3(1)(r), 3(1)(s) and 3(1)(za)(E) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, hereinafter referred to as “the SC & ST Act”, the FIR No. 282 dated 18.07.2025 has been lodged in Police Station City Narnaul, District

Narnaul. Since the appellant is apprehending arrest in the present case, he

moved an application for anticipatory before the learned Additional Sessions Judge, Narnaul, but the same has been dismissed.

3. Briefly stating the facts emerging from the record are that the FIR of this case came into being on the complaint of Mohit Kumar son of Babu Lal, hereinafter referred to as “complainant” only. In his above mentioned compliant it was stated by the complainant that he was working as a contractor in Public Health Department, Narnaul, and that he was threatened by Junior Engineer of the above mentioned department, namely Abhishek and his colleague contractor, namely Mandeep Singh alias Monu Sardar and Computer Operator, namely Satender Singh (employed in the department). As per complainant he was instructed not to visit the office of Public Health Department, and that whenever he used to visit the above mentioned office, he was abused by using caste slur against him, by the above named persons.

4. The complainant further alleged that on 16.07.2025 at about 10:30 P.M. when he was buying something near bus stand, a car bearing No. HR-26-EP-5640 make Kia arrived there and Abhishek, Satender Singh and Mandeep Singh alias Monu Sardar along with one unknown person alighted from the car and they started using abusive language for the complainant, and that while hurling abuses in the name of his caste, they threatened him to kill and even attacked him and inflicted injuries on his person. While alleging that he was brutally thrashed and injured by the above named assailants, the complainant claimed that on the spot his known Lakhan Dayma had intervened and tried to rescue him from the clutches of assailants but he, too, came under attack and suffered injuries.

5. It was claimed by the petitioner that in the above mentioned incident, the assailants had also snatched ₹5,500/- from the pocket of his shirt, and that when the assailants spotted that a PCR van was approaching the place of occurrence, they fled from the spot.

6. It is the case of the prosecution that on the basis of above mentioned complaint, a formal FIR was lodged and the investigation taken up. One of the relevant fact to be taken into consideration with regard to above mentioned investigation is that, (as per reply submitted by the police before the learned Additional Sessions Judge while opposing the bail application of the appellant) during the course of investigation, it was found that Junior Engineer Abhishek and Computer Operator Satender Singh were not involved in the commission of above mentioned offence. It was also mentioned in the above mentioned reply that any offence punishable under Section 304 and 3(5) of BNS viz-a-viz Section 3(1) of the SC & ST Act were not found to be made out. The above mentioned reply submitted by the State before the learned Additional Sessions Judge further stated that during the course of investigation the investigating agency reached to the conclusion that the only offence made out in the instant case was under Sections 296, 115(2) and 351(3) of BNS. During the course of investigation, facing threat of being arrested, the appellant had moved an application for anticipatory bail before the Court of learned Additional Sessions Judge, Narnaul, but the same has been dismissed. Hence, the present appeal.

7. Notice of motion.

8. Since advance notice has already been served upon the State,

Mr. Parveen Kumar Aggarwal, Additional Advocate General, Haryana,

accepts notice on behalf of respondent No.1, and waives service.

9. Heard.

10. It has been contended on behalf of appellant that the appellant is innocent having no nexus, whatsoever, with the commission of crime, and that he has been falsely roped in the present case. The learned senior counsel for the appellant has argued that the Hon'ble Supreme Court of India in the case of *Dr. Subhash Kashinath Mahajan v. State of Maharashtra and Another AIR 2018 Supreme Court 1498*, along with review petition in the above mentioned case reported as *Union of India v. State of Maharashtra and Others AIR 2019 Supreme Court 4917* and the principles of law laid down by the Hon'ble Supreme Court of India in the case of *Shajan Skaria v. The State of Kerala and Another AIR 2024 Supreme Court 4557*, has observed that the bar enshrined under Section 18 of the SC & ST Act does not come into picture if on the basis of contents of complaint, *prima facie* the allegations under Section 3 and 4 of the SC & ST Act are not made out. According to learned senior counsel for the appellant, in the present case, if the factual matrix of the present case is deeply analyzed, it transpires that firstly, a false narrative has been tried to be built up by the complainant in the complaint which impeaches the very credibility of his stand. In this regard, the learned senior counsel for the appellant has highlighted the fact that-

- a) the complainant had alleged that three persons were involved in the incident but out of three, two have been found innocent by the Investigating Agency;
- b) the allegations with regard to snatching off money has

been found to be false;

c) the allegations with regard to commission of offence punishable under Section 3(1)(Za)(E) of the SC & ST Act have been found to be false;

d) all the injuries suffered by the complainant have been found to be simple in nature.

11. One of the fact which has been highlighted by learned senior counsel for the appellant is that the complainant has tried to build up a false story by exaggerating the fact to the extent that he alleged that Lakhan Dayma had suffered fracture in the incident, and that the Medical Officer found that the fracture suffered by Lakhan Dayma was an old fracture wherein nail was already implanted.

12. According to learned senior counsel for the appellant, the cumulative effect of above mentioned facts leads to a conclusion that the complainant had tried to concoct a story and exaggerated the fact in such a manner that the entire story of the complainant is rendered unworthy of any credit.

13. Per contra, the learned State counsel has argued that in the present case, there are very specific and direct allegations against the appellant with regard to commission of offence punishable under Sections 3 and 4 of the SC & ST Act. According to learned State counsel, even the motive behind commission of above mentioned offence has been duly explained in the complaint itself. The learned State counsel has argued that the incident was captured in the CCTV and the video footage downloaded from the CCTV camera proves that the incident had taken place and the

injuries were inflicted by the appellant and his co-accused on the person of complainant.

14. In addition to above, the learned State counsel has also argued that in the present case, once there are specific allegations with regard to commission of offence punishable under Section 3 and 4 of the SC & ST Act, for grant of anticipatory bail the bar of Section 18 of the above said Act is applicable. As per learned State counsel otherwise also, the gravity of offence renders the appellant ineligible for any concession of bail.

15. The record has been perused carefully.

16. With regard to appeal against the order of dismissal of anticipatory bail in a case pertaining to the SC & ST Act, the Hon'ble Supreme Court of India in the case of **Dr. Subhash Kashinath Mahajan** (*supra*) has observed that “there is no absolute bar against grant of anticipatory bail in cases under the Atrocities Act if no *prima facie* case is made out or where on judicial scrutiny the complaint is found to be *prima facie* malafide. We approve the view taken and approach of the Gujarat High Court in **Pankaj D Suthar** (*supra*) and **Dr. N.T. Desai** (*supra*) and clarify the judgments of this Court in **Balothia** (*supra*) and **Manju Devi** (*supra*).”

17. Recently, in the case of **Shajan Skaria** (*supra*), the Hon'ble Supreme Court of India, reiterated the principles that “Section 18 of the SC & ST Act does not impose an absolute fetter on the power of the courts to examine whether a *prima facie* case attracting the provisions of the Act, 1989 is made out or not. As discussed, Section 18 stipulates that in any case which involves the arrest of any person on the accusation of having committed an offence under the SC & ST Act, the benefit of anticipatory bail

under section 438 of Cr.P.C, 1973 would not be available to the accused. As per Hon'ble Supreme Court of India, the expression "arrest of any person" appearing in the text of Section 18 of the SC & ST Act bars the remedy of anticipatory bail only in those cases where a valid arrest of the accused person can be made as per Section 41 read with section 60A of Cr.P.C., 1973."

18. It is also relevant to mention here that similar question has also been dealt with by the Hon'ble Supreme Court of India in the case of ***Deepak Kumar Tala v. State of Andhra Pradesh and Others 2025(2) RCR (Criminal) 440***, wherein it has been observed that the essential ingredient for attracting Section 3(1)(r) and 3(1)(s) of the SC & ST Act is that such statement must be made within public view.

19. This High Court too has also dealt with similar situation in the case of ***Manjit Singh and Another v. State of Punjab and Another (Criminal Appeal No. S-792 of 2025, decided on 21.04.2025)***, wherein it has been observed that if a *prima facie* case is not made out, anticipatory bail can be granted.

20. In the case of ***Adityya Parashar v. State of Punjab and Another (Criminal Appeal No. S-1634 of 2025, decided on 29.07.2025)*** and in the case of ***Harjit Kaur v. State of Punjab (Criminal Appeal No. S-1983 of 2022, decided on 07.10.2022)***, similar view has been taken. It has been held in the above mentioned cases that bar of Section 18 of the SC & ST Act does not apply where any *prima facie* case is not made out.

21. In the light of above mentioned principles of law, if the factual matrix of the present case is analyzed, it transpires that-

- i) Apparently, there is a deliberate attempt on the part of complainant to exaggerate the allegations and that is why he was trying to establish a narrative wherein he tried to take advantage of an injury suffered by Lakhan Dayma much prior to the incident in question;
- ii) the credibility of the allegations contained in the appeal stands eroded in view of the fact that during the course of investigation, the Investigating Agency found the involvement of only one person, i.e. the appellant, in the commission of offence against the claim of three persons mentioned in the FIR;
- iii) the complainant had also tried to set up an exaggerated version of the incident, when he alleged that he was robbed of ₹5,500/0 also in the above mentioned incident. However, this allegation has been found to be false by the Investigating Agency;
- iv) even the attempt of complainant to paint the above mentioned incident in such a manner that it may be brought into the purview of the SC & ST Act, has been found to be false during the course of investigation. The above mentioned effort of the complainant exposes his anxiety to create a false story to enhance the gravity of the offence. The above mentioned attempt on the part of the complainant impeaches the very credibility of his allegations and *prima facie* renders the story set out by

him to be doubtful.

22. As a sequel to above mentioned observations, it is hereby held that the present case is a fit case wherein, at this stage, the appellant is entitled for the benefit of doubt as *prima facie* the allegations contained in the FIR are false qua the commission of any crime including the offence punishable under Section 3 & 4 of the SC & ST Act.

23. In view of above mentioned observations, it is hereby held that while ignoring the above mentioned facts and rejecting the application for anticipatory bail, an error of judgment has been committed by the court of learned Special Judge/Additional Sessions Judge, Narnaul and therefore, there is need for indulgence and interference in the above mentioned findings.

24. In view of above mentioned observations, it is hereby held that the present appeal deserves to be allowed. Hence, the same is hereby allowed and the impugned order dated 24.10.2025 passed by the court of learned Additional Sessions Judge, Narnaul, whereby the appellant's application for anticipatory bail has been dismissed, is hereby set aside.

25. Accordingly, it is hereby directed that in the event of arrest, the appellant shall be released on anticipatory bail to the satisfaction of learned trial Court. In case, the learned trial Court is not available, on the date of furnishing bail bonds, the learned Sessions Judge shall be at liberty to assign the above case, for the above-mentioned purpose, to any other Court. The appellant will join the investigation as and when called by the Investigating Officer. He shall also abide by the following conditions:-

- (i) that he shall make himself available for interrogation by a police officer as and when required;
- (ii) that he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that he shall not leave India without the prior permission of the Court;
- (iv) such other condition as may be imposed under sub-section (3) of Section 480 of BNSS, as if the bail were granted under that section.

26. It is, however, made clear that any observation made here-in-above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

(Surya Partap Singh)
Judge

October 31, 2025
“DK”

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