



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

CRA-S No.3319 of 2025 (O&M)

Reserved on: 17.11.2025

Date of Decision :18.11.2025

Gulzar Singh

.....Appellant

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr. Anil K.Sokal, Advocate and
Mr. Ankit Grewal, Advocate for the appellant.

Mr. Arun Kumar Gujjar, AAG, Haryana.

SURYA PARTAP SINGH, J. (Oral):

An application moved by the appellant for anticipatory bail did not find favour in the Court of learned Special Judge, Jind, designated under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989, hereinafter being referred to as 'SC&ST Act'. Aggrieved of the impugned order this appeal has been preferred by the appellant/accused, hereinafter being referred to as 'appellant' only.

2. The present appeal has been filed on the ground that the learned trial Court has failed to appreciate the factual matrix of the present case as well as relevant law, in a right perspective, and that it arrived at a wrong decision. According to appellant, without looking into the fact that the provisions of SC&ST Act are not attracted in view of allegations contained in the FIR, the



learned Special Judge, Jind, wrongly observed that a bar of Section 18 of SC & ST Act is attracted in the present case and therefore, the appellant is not entitled for the benefit of bail.

3. By virtue of present appeal the appellant has requested that the impugned order is perverse and not sustainable in the eyes of law. Hence, the present appeal for setting aside of impugned order and grant of anticipatory bail to the appellant.

4. In nut-shell the facts emerging from record are that the FIR pertaining to present case came into being at the instance of 'Ashok Kumar' (complainant) hereinafter being referred to as 'respondent No.2' only. It was alleged by the respondent No.2 that he belonged to scheduled caste community, and was working as a servant with 'Sardar Mukhtiar Singh'. He further alleged that there was an old dispute between the family of 'Gulzar Singh' and 'Mukhtiar Singh' and because of that dispute the family of 'Gulzar Singh' was having enmity with 'Mukhtiar Singh'.

5. According to the respondent No.2, on 13.08.2025 at about 11.00 A.M. when he was working near the Dera (house) of 'Mukhtiar Singh' he was attracted by a screaming. As per the respondent No.2, when he rushed towards the house of 'Mukhtiar Singh', he noticed that 'Mukhtiar Singh' was running out of his house followed by 'Inderpal', 'Gulzar' and 'Charanjit Kaur', who were armed with sticks and hurling abuses to 'Mukhtiar Singh'. According to the respondent No.2, when he reached near the main gate of the house of 'Mukhtiar Singh', all the above named assailants launched attack upon 'Mukhtiar Singh', and that he too came under attack. As per respondent No.2,



thereafter the assailants started hurling abuses to the respondent No.2 in the name of his caste. According to respondent No.2, in the above mentioned scuffles accidentally 'Gulzar Singh' hit the head of 'Inderpal' with the help of wooden handle and 'Charanjit Kaur' in a sudden reaction pushed 'Gulzar Singh', due to which he fell down on bricks-bats and suffered injuries.

6. The respondent No.2 further alleged that 'Gulzar Singh' and others wanted to file a false case against 'Mukhtiar Singh', and therefore, they called police by calling emergency No.112, and that thereafter 'Sandeep Kaur', 'Harinder', the daughter-in-law and daughter of 'Gulzar Singh', respectively, arrived on the spot, and that in the presence of police officials they hurled abuses to him. The respondent No.2 further stated that thereafter son of sister-in-law of 'Gulzar Singh' also arrived on the spot.

7. It is the case of prosecution that in view of above mentioned information formal FIR of this case was lodged and the investigation taken up.

8. Heard.

9. It has been contended on behalf of the appellant that appellant is innocent having no nexus, whatsoever, with the commission of crime, and that in the present case, in fact, injuries on the person of appellant 'Gulzar Singh' and his wife 'Charanjit Kaur' etc., were inflicted by 'Mukthar Singh', and in order to wriggle-out of the consequences of above mentioned offensive act 'Mukhtiar Singh' with the help of his servant lodged a false complaint. According to learned counsel similar modus-operandi was adopted by 'Mukhtiar Singh' in the past also and similar FIR at the instance of other worker was lodged. As per learned counsel for the appellant the medico-legal



report of appellant and his wife etc. makes it abundantly clear that grievous injuries have been suffered by the appellant and his family members, but by twisting the facts a false FIR under SC & ST Act has been lodged against the appellant.

10. In addition to above, the learned counsel for the appellant has also argued that in the present case another relevant aspect to be taken into consideration is that the contents of FIR itself shows that the casteist remarks were not made in public view, as the house of 'Mukhtiar Singh' is situated in the fields, which is an isolated place. As per learned counsel for the appellant, the contents of FIR itself show that except the assailants 'Mukhtar Singh' and the complainant anybody, else was not present at the spot. According to learned counsel for the appellant, even the allegations with regard to use of abusive language by the daughter and daughter-in-law of appellant no where show that on that occasion in the presence of police officials any abusive language in the name of casteist remark of respondent No.2 was used.

11. Per contra, the learned State counsel being assisted by learned counsel for respondent No.2 has argued that instant case is a case wherein there are very specific allegations of using derogatory casteist remarks by the appellant against the respondent No.2, and that the above mentioned remarks were used in the presence of numbers persons, and thus, the essential ingredient meant for an offence under Sections 3 & 4 of SC & ST Act stand established in this case.

12. In addition to above, the learned counsel for the respondent No.2, while defending the impugned order, has also argued that allegations in the



FIR are also with regard to assault upon the respondent No.2, who is a member of scheduled caste, and thus, on this ground also Sections 3 & 4 of SC & ST Act are attracted in the present case.

13. The learned State counsel as well as learned counsel for the respondent No.2 have contended that in view of above mentioned facts and circumstances of the present case the bar of Section 18 of SC & ST Act is attracted and therefore, the appellant is not entitled for any relief in this appeal.

14. The record has been perused carefully.

15. A perusal of the record shows that there are several factors which are required to be taken into consideration at this stage. Those factors are:-

- i) that the place of occurrence as contained in the FIR is the dera of 'Mukhtiar Singh' which is obviously an isolated place, and therefore, *ipso facto* it cannot be assumed that the incident as alleged by the respondent No.2 had either taken place at a public place or in public view;
- ii) that the contents of FIR are silent with regard to the fact that in addition to respondent No.2, his employer 'Mukhtiar Singh' (and the accused) anybody else, too, was present on the spot when abuses in the name of caste of respondent No.2 were hurled by the appellant and his family;
- iii) that there is nothing on record to show that the respondent No.2 had suffered any injury in the above mentioned incident;
- iv) that the contents of FIR in itself makes it clear that the narration of incident by the respondent No.2 was not natural. Rather, it



was apparently so artificial that effort to implicate the appellant, and his family, in a criminal case was obvious. The statement of respondent No.2 that injury on the person of 'Inderpal' was inflicted by 'Gulzar Singh' accidentally, and then as a sudden reaction 'Gulzar Singh' was pushed on bricks-bat by his wife 'Charanjit Kaur' is too artificial to believe. This kind of event in a pre-planned attack is next to impossible.

16. Taking into consideration the cumulative effect of all the above mentioned factors, i.e. the factual matrix of this case and the relevant law, this inference can safely be drawn that in the present case the allegations contained in the FIR on the face of it do not *prima facie* show the commission of offence punishable under Sections 3 & 4 of SC & ST Act.

17. To deal with similar situation the Hon'ble Supreme Court in the case of **Deepak Kumar Tala v. State of Andhra Pradesh and Others 2025(2) RCR (Criminal) 440**, has 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.

18. This High Court too has 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.

19. 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.

20. 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 with regard to commission of any offence under Sections 3 & 4 of the SC & ST Act, are not established.

21. 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, Jind, and therefore, there is need for indulgence and interference in the above mentioned findings.

22. 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 Special Judge, Jind, whereby the appellant's application for anticipatory bail has been dismissed, is hereby set aside.

23. Accordingly, it is hereby directed that in the event of arrest, the appellant shall be released on anticipatory bail to the satisfaction of Arresting Officer. 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 subsection (3) of Section 480 of BNSS, as if the bail were granted under that section.

24. 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

18.11.2025
Manoj Bhutani

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