

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

204

2025.PHHC.159934



CRA-S-3422-2025 (O&M)
Date of decision: 18.11.2025.

VARINDER SINGH

... Appellant(s)

VERSUS

THE STATE OF PUNJAB AD ANOTHER

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

PRESENT Mr. Chandan Singh, Advocate, and
Ms. Aarti Singh, Advocate,
for the appellant.

Ms. Savi Nagpal, AAG, Punjab.

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

VINOD S. BHARDWAJ, J. (Oral)

CRM-44187-2025

Prayer in the present application is for condonation of delay of
80 days in filing the appeal.

For the reasons mentioned in the application, the same is allowed
and delay of 80 days in filing the appeal is condoned.

Main case

The instant appeal has been preferred against the order dated 17.05.2025 passed by Additional Sessions Judge, Patiala whereby the application seeking anticipatory bail to the appellant (herein) in FIR No. 50, dated 06.05.2020, under Sections 302, 307, 326, 325, 324, 341, 506, 323, 148, 149, 188 and 120-B of the Indian Penal Code, 1860 and Sections 51 & 54 of the Disaster Management Act, 2005 and Section 3(2) and 5 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'Act of 1989'), registered at Police Station Passiana, has been dismissed on the ground of the same being passed without noticing that no specific role has been attributed to the appellant and only general, vague and omnibus allegations have been levelled against the appellant.

2 Learned counsel for the appellant submits that the present case is just not one of a mere over-implication but also of outright false implication. It is contended that a Special Investigation Team was constituted by the Senior Superintendent of Police, Patiala, after receipt of the complaint, comprising of senior police officials, and that the investigation was supervised by the Superintendent of Police (Traffic), Patiala. The Investigating Officer recorded that even though the complainant had named 14 persons, many were found to be innocent. Consequently, they were placed in Column No. 2. The final report came to be filed only against 10 accused persons. It is further submitted that after the filing of the final report, the parties adduced their respective evidence, whereafter an application under Section 319 of the Code of Criminal Procedure was moved. Pursuant thereto, the petitioner was summoned under Section 319 Cr.P.C. The said order of summoning was challenged before this

Court in CRM-M-44097-2022 and the same was set aside by this Court vide order dated 18.07.2024.

3 He contends that while setting aside the order of summoning, this Court had specifically recorded that the allegations in the complaint did not disclose commission of any offence under Sections 3(2) and 5 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is submitted that even though the order of the High Court dated 18.07.2024 was set aside by the Supreme Court, however, the same was on technical grounds. Hence, the findings noticed by this Court in its above order should be taken into consideration. He submits that in the absence of such primary evidence, the benefit of pre-arrest bail could not have been denied. It is further argued that the pre-requisites for commission of the said offence having not been made out. The order passed by the Supreme Court should not be construed against the appellant and that the benefit of anticipatory bail be extended to him.

4 Learned counsel for the respondent-complainant, per contra, submits that the appellant has conveniently chosen not to disclose the complete details. He submits that the appellant along with one co-accused Mandeep Singh had been summoned in the above case under Section 319 Cr.P.C. The co-accused Mandeep Singh had also challenged his order of summoning before this Court in CRM-M-20532-2022. The said order of summoning was set aside vide judgment dated 18.07.2024 passed in CRM-M-44097-2022 titled as 'Lakhi @ Lakhwinder Singh Vs. State of Punjab.

5 The aforesaid judgment rendered by the learned Single Bench of this Court was assailed by the complainant before the Hon'ble Supreme Court

by way of Special Leave Petitions (Criminal) bearing Nos. 14822–14829 of 2024. Vide judgment dated 26.03.2025, the order dated 18.07.2024 passed by the Single Bench of this Court was set aside and the order of summoning passed by the trial Court was upheld.

6 Counsel further submits that, subsequent thereto, the co-accused Mandeep Singh approached trial Court seeking anticipatory bail; however, the said petition was dismissed. An appeal, bearing No.CRA-S-1715-2025, was also dismissed by the High Court vide order dated 20.05.2025. A Special Leave Petition (Criminal) No. 10195 of 2025 was thereafter preferred by co-accused Mandeep Singh before the Supreme Court, which was disposed of vide order dated 25.07.2025 by observing that, in the event of the appellant (Mandeep Singh-co-accused) surrendering before the trial Court within a period of two weeks and applying for the regular bail, the same shall be considered on its merits. He contends that the anticipatory bail of the co-accused Mandeep Singh, who was identically placed, was already dismissed by this Court and the said order has already been affirmed upto the Supreme Court. The case of the appellant being at par with the co-accused Mandeep Singh, the instant appeal also deserves to be dismissed.

7 I have heard the learned counsel appearing for the respective parties at length and have also gone through the judgments referred by the counsel for the parties.

8 In so far as the contention of the appellant that the order summoning him under Section 319 of the Code of Criminal Procedure had earlier been set aside by this Court is concerned, it needs to be observed that the reasons forming the basis of the said order cannot now be examined or

relied upon. This is for the evident reason that the order dated 18.07.2024 was itself set aside by the Supreme Court vide judgment dated 26.03.2025, whereby the summoning order passed by the trial Court was affirmed. Although it remains open to learned counsel for the appellant to advance submissions on that footing, the settled principles of judicial discipline enjoin this Court to take due notice of the fact that the earlier judgment of this Court having been overturned, the reasoning contained therein would not be invoked for the benefit of the appellant.

9 It is also noticed by this Court that the appeal for anticipatory bail preferred by the identically placed co-accused, Mandeep Singh, was dismissed by this Court, and the said order of dismissal stood affirmed by the Hon'ble Supreme Court. The matter was disposed of with a direction requiring the said co-accused to surrender before the trial Court and to seek regular bail.

10 In such circumstances, no distinguishing feature has been brought to the fore that would warrant a departure in the case of the present appellant. The judicial discipline would warrant this Court to follow uniformity in its approach, more-so when the matter pertains to the identically placed co-accused in the same FIR and when no circumstance has been demonstrated on the basis whereof the present case may be distinguished substantially from that of co-accused Mandeep Singh.

11 Consequently, the present appeal is dismissed.

November 18, 2025.
raj arora

(VINOD S. BHARDWAJ)
JUDGE

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