



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

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CRA-S No.3463 of 2025 (O&M)

Date of Decision :02.12.2025

Satya Parkash

.....Appellant

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr.Ankit Yadav, Advocate for the appellant.

Ms. Deepali Verma, AAG, Haryana.

Mr. Jitender Nara, Advocate for the complainant.

SURYA PARTAP SINGH, J. (Oral):

1. This appeal against the order dated 01.11.2025 has been preferred by the appellant on the ground that the order passed by the learned Additional Sessions Judge, Jhajjar, is not sustainable in the eyes of law.

2. In nut-shell the facts emerging from record are that for the commission of offence punishable under Sections 3(1)(r), 3(1)(s), and 3(2) (va) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Sections 117(2) and 351(3) of the Bharatiya Nyaya Sanhita, 2023 [Section 117(2) of BNS was deleted and Section 155 of BNS was added later on], the FIR No. 96 dated 22.05.2025 has been lodged in Police Station Dujana, District Jhajjar, Haryana. Since the appellant is apprehending arrest in the abovesaid case, he moved an application for anticipatory bail before the learned Additional Sessions Judge, Jhajjar, but the same has been dismissed.

3. The allegations as contained in the FIR are that the complainant, who belongs to scheduled caste, was residing in village Dujana, District Jhajjar, and the appellant used casteist remarks and insulted him in a public



place. In addition to above, it is also an allegation that the complainant was beaten up by the appellant and also threatened to kill him.

4. Heard.

5. It has been contended by the learned counsel for the appellant that the complaint made by the complainant/respondent No.2 is the counter-blast of the complaint moved by the government official working in the office of Block Development and Panchayat Officer, Jhajjar.

6. Per contra, the learned State counsel has argued that during the course of investigation, it has been found that casteist remarks were made by the appellant in public view, and therefore, the provisions of Section 18 of the Act are attracted in this case. As per learned State counsel, in view of Section 18 of the SC & ST Act, the benefit of anticipatory bail cannot be accorded to the appellant.

7. The record has been perused carefully.

8. In the present case, the following factors are required to be taken into consideration:-

- i) that in the FIR, there is no allegation that in public view, any casteist remarks were made;
- ii) the complaint made by the complainant/respondent No.2 is the counter-blast of the complaint moved by the government official working in the office of Block Development and Panchayat Officer, Jhajjar;
- iii) that no injury has been caused on the person of complainant, and therefore, any weapon of offence etc. is not to be recovered from the possession of appellant/accused.



- iv) that the investigation and trial of the case are not likely to be concluded in near future.
- v) that custodial interrogation of the appellant is not required.

9. In the present case it shall not be out of place to mention here that on 18.11.2025, the benefit of interim anticipatory bail was afforded to the appellant. The learned State counsel has submitted the status report by way of an affidavit of Assistant Commissioner of Police, HQ Jhajjar and has submitted that in compliance of above-mentioned order the appellant has already joined investigation and for further investigation of the case his custodial interrogation is not required.

10. Taking into consideration all the above-mentioned relevant factors in the present case once there is a very strong doubt with regard to applicability of Sections 3/4 of SC/ST Act and the stand of the prosecution itself is that custodial interrogation of the appellant is not required, it is hereby held that the order impugned in the present appeal is not sustainable and deserves to be set aside. Hence by accepting the present appeal the impugned order is hereby set aside and the appellant is hereby admitted to anticipatory bail by making the order dated 18.11.2025 to be absolute.

11. The present appeal stands allowed accordingly.

(SURYA PARTAP SINGH)
JUDGE

02.12.2025
Manoj Bhutani

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