



**CRA-S-289-2026 -1-
& Other connected cases**

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

206+207+209

**CRA-S-289-2026
Date of Decision: 06.04.2026**

Manjit Kaur **....Appellant**

Versus

State of Punjab and another **....Respondents**

CRA-S-552-2026

Jagdeep Kaur **....Appellant**

Versus

State of Punjab and another **....Respondents**

CRA-S-897-2026

Jaswinder Singh & others **....Appellants**

Versus

State of Punjab and another **....Respondents**

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Hakam Singh, Advocate
for the appellants. (in all appeals)

Mr. Amit Shukla, DAG, Punjab.

Mr. Ramdeep Partap Singh, Advocate
for Respondent No.2/Complainant. (in all appeals)

RUPINDERJIT CHAHAL, J (ORAL)

1. This order shall dispose of the above mentioned three appeals filed on behalf of appellants seeking grant of anticipatory bail in DDR No.3 dated 15.12.2025 under section 3 of the Scheduled Castes and Scheduled



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Tribes (prevention of Atrocities) Act, 1989 (hereinafter in short as ‘SC/ST Act’) and sections 115(2), 191(3), 190 of the Bharatiya Nyaya Sanhita, 2023 (hereinafter in short as ‘BNS’), in case FIR No.180 dated 14.12.2025 registered under Sections 126(2), 298, 115, 191(3), 190 of BNS, at Police Station Kathu Nangal, District Amritsar (Rural).

2. The allegations, in nutshell, are that the appellants along with other co-accused had tried to run over their vehicle upon the complainant party and also threatened and abused them in the name of their caste, due to some old enmity.

3. Learned counsel for the appellants contends that the appellants have been falsely implicated in the present case and they have no concern with the said incident. He further contends that the appellants have not committed any such offence and no overact has been attributed to the present appellants and only vague allegations have been imputed in the entire DDR. He argued that the present case is of version and cross-version wherein the complainant party initially attacked the appellants and the provisions of SC/ST Act have been invoked only to exert pressure upon the appellants to compromise the matter. He further argued that the essential ingredients for invoking the provisions of SC/ST Act are missing from the present case as the alleged incident has not taken place in public view and private communications do not constitute an offence under the SC/ST Act. Further, no recovery is to be effected from them. He further argued that the custodial interrogation of the appellants is not required for any recovery and they are ready and willing to join the investigation as and when called upon to do so by the investigating agency.



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4. After registration of the FIR, investigation has been initiated and is under way. Apprehending their arrest, the appellants had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Amritsar, vide order dated 19.01.2026.

5. On the other hand, learned State counsel, has already filed the status report in the matter, and while referring to the same, he has opposed the prayer for grant of anticipatory bail to the appellants on the ground that the allegations levelled against them are serious in nature and they have been specifically named in the FIR. He argued that the appellants have used derogatory caste-based words for the complainant party in public view i.e., during Zila Parishad elections with an intent to insult them in the name of their caste. He further submits that the ingredients of SC/ST Act are fully satisfied and as such grant of anticipatory bail to the appellants is barred under section 18 of the SC/ST Act. Hence custodial interrogation of the appellants is required for fair and proper investigation and to take the investigation to its logical end. Hence, he prays for dismissal of the present appeal.

6. Learned counsel for Respondent No.2/Complainant adopts the arguments made by the counsel for the State and vehemently opposes the prayer made by the appellants and submits that the appellants have actively participated in the crime and have intentionally used caste-based words against the complainant party in order to humiliate them during Zila Parishad election that too in public view. Hence, he prays that the present appeals being devoid of any merit, be dismissed.

7. Having heard learned counsel for the parties and upon perusal of the record, this Court finds no merit in the present appeal. The allegations



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levelled against the appellants are grave and specific, particularly with regard to the use of caste-based derogatory remarks, “Kutio-Churio” in public view during the Zila Parishad elections, which prima facie attract the provisions of Section 3 of the SC/ST Act. At this stage, a detailed appreciation of evidence is neither warranted nor permissible; however, the material on record clearly discloses the essential ingredients of the alleged offences. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon’ble Supreme Court in *‘State Vs. Anil Sharma’, (1997) 7 SCC 187*, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers



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would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

8. More recently, a three Judge Bench of Hon'ble Supreme Court in the case of '**Kiran v. Rajkumar Jivraj Jain**'; **Criminal Appeal No. 3867 of 2025 (Special Leave Petition (CRL.) No. 8169 of 2025)**, decided on **01.09.2025**, has categorically held that anticipatory bail is permissible under SC/ST Act only if *prima facie* offence is not made out. Relevant part of the same is reproduced hereunder:-

"6. In light of the parameters in relation to the applicability of Section 18 of the Act emanating from afore-discussed various decisions of this Court, the proposition could be summarised that as the provision of Section 18 of the Scheduled Caste and Scheduled Tribes, Act, 1989 with express language excludes the applicability of Section 438, Cr.PC, it creates a bar against grant of anticipatory bail in absolute terms in relations to the arrest of a person who faces specific accusations of having committed the offence under the Scheduled Caste and Scheduled Tribe Act. The benefit of anticipatory bail for such an accused is taken off.

6.1 The absolute nature of bar, however, could be read and has to be applied with a rider. In a given case where on the face of it the offence under Section 3 of the Act is found to have not been made out and that the accusations relating to the commission of such offence are devoid of *prima facie* merits, the Court has a room to exercise the discretion to grant anticipatory bail to the accused under Section 438 of the Code.

6.2 Non-making of *prima facie* case about the commission of offence is perceived to be such a situation where the Court can arrive at such a conclusion in the first blush itself or by way of the first impression upon very reading of the averments in the FIR. The contents and the allegations in the FIR would be decisive in this regard. Furthermore, in reaching a conclusion as to whether a



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prima facie offence is made out or not, it would not be permissible for the Court to travel into the evidentiary realm or to consider other materials, nor the Court could advert to conduct a mini trial.”

9. In view of the statutory bar contained under Section 18 of the SC/ST Act, anticipatory bail cannot be granted where a prima facie case is made out. The contention regarding false implication and absence of public view are matters of trial and cannot be adjudicated conclusively at this juncture. Further, considering the nature of accusations and the requirement of custodial interrogation for effective investigation, this Court is not inclined to extend the extraordinary relief of anticipatory bail. Consequently, the present appeal stands dismissed.

10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

11. Photocopy of this order be placed in the connected files.

**(RUPINDERJIT CHAHAL)
JUDGE**

06.04.2026
Puneet

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