



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

Sr.No.211

**CRA-S-667-2026
Decided on : 21.04.2026**

Sikander Singh and others

..... Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM : HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present : Mr. Tarunveer Vashist, Advocate for the petitioners.

Ms. A.K.Mahir, AAG, Punjab.

Mr. Harnoor S.Sidhu, Advocate for the complainant

RUPINDERJIT CHAHAL, J (ORAL)

1. The present appeal is directed against the order dated 16.02.2026, passed by the Court of learned Addl. Sessions Judge, Sangrur, dismissing the application of the appellant for grant of anticipatory bail to the petitioner in DDR No.42 dated 02.02.2026, under Sections 115(2), 3(5), 351(3) of BNS, 2023 and Section 3(1)(r)(s) of SC & ST Act, Police Station Dirba, District Sangrur in case FIR No.158 dated 10.09.2025, registered under Sections 115(2), 118(1), 126(2), 351(3), 191(3), 190, 117(2), 118(2) of BNS, 2023, at Police Station Dirba, District Sangrur.

2. The brief facts of the present case are that the petitioner alongwith co-accused armed with sword, sticks etc., allegedly gave injuries on the person of complainant party and also uttered derogatory words against their caste.

3. Learned counsel for the appellant contends that the appellants are innocent and have been falsely implicated in the present case. He further

contends that the present case is of version and cross-version and rather it



was the complainant party who was the aggressor. Learned counsel contends that the appellant has not uttered even a single caste based word against the complainant party and even there is no mention of any caste based word in the entire DDR. Learned counsel contends that the appellants have also received multiple grievous injuries in the said incident. He further submits that nothing is to be recovered from the appellants and as such their custodial interrogation is no longer required. With these broad submissions, it is urged that the present appeal deserves to be accepted, the impugned order is liable to be set aside and the appellant deserves to be given benefit of anticipatory bail.

4. On the other hand, larned State counsel has vehemently opposed the prayer for grant of bail, by stating that the offence committed by the appellant is serious in nature and the bar under Section 18 of the SC/ST Act is applicable. Hence, he prayed that the present appeal is liable to be dismissed.

5. Learned counsel for respondent No.2, while opposing the petition for anticipatory bail, has contended that the appellants have played an active role in the crime and, thus, does not deserve the concession of bail.

6. I have heard learned counsel for the parties at considerable length and have also gone through the material placed on record.

7. After considering the rival submissions, this Court is of the view that the applicability of the provisions of the SC/ST Act, particularly in the absence of specific allegations of caste-based remarks, requires deeper consideration. Additionally, the case being one of version and cross-version and the appellants having suffered grievous injuries are factors which cannot be ignored at this stage. There is no mention of any caste based word in the



DDR. In these circumstances, this Court is of the considered view that the appellant has made out a case for grant of pre-arrest bail and the bar of section 18 of SC/ST Act is not attracted in the present case. In ***Dr. Subhash Kashinath Mahajan v. State of Maharashtra and Another (2018) 6 SCC 454***, the Hon'ble Supreme Court observed that anticipatory bail could be granted if a prima facie case of commission of an offence under the Act is not made out or if it can be shown that the allegations were false.

8. More recently, the Hon'ble Supreme Court in ***Kiran v. Rajkumar Jivraj Jain and Anr., 2025 AIR (SC) 4083***; has held that in a given case if 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. The relevant paragraphs are reproduced below:

"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. P.C., 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 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. Consequently, in view of the facts and circumstances of the present case and the law laid down by the Apex Court, the present appeal is allowed, the impugned order dated 16.02.2026 passed by the learned Additional Sessions Judge, Sangrur is set aside, and the appellants are ordered to be released on anticipatory bail in the event of their arrest, subject to their furnishing adequate bail and surety bonds to the satisfaction of the Arresting/Investigating Officer and subject to the conditions as envisaged under Section 482(2) BNSS.

10. It is clarified that nothing stated herein shall be construed as an expression of opinion on the merits of the case.

21.04.2026
mamta

(RUPINDERJIT CHAHAL)
JUDGE

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