



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

(202)

**CRA-S-736-2026(O&M)
DATE OF DECISION: 20.03.2026**

Jagtar Singh Sandhu

.....Appellant

VERSUS

State of Haryana and another

.....Respondents

CORAM HON'BLE MR. JUSTICE SUBHAS MEHLA

Present Mr.Ashit Malik, Senior Advocate,
with Mr. Sagar Aggarwal, Advocate,
for the appellant.
Mr. Surender Singh Pannu, Addl. AG, Haryana.

SUBHAS MEHLA, J (ORAL)

1. Present appeal has been preferred against the order dated 27.02.2026, passed by learned Additional Sessions Judge, Ambala, in case bearing FIR No.33 dated 17.02.2026, under Section 3(i)(v) of SC/ST Act, 1989, registered at Police Station Mullana, District Ambala, whereby application for anticipatory bail filed by the appellant was dismissed.

2. Learned counsel for the appellant contends that the appellant was not the admin of the WhatsApp group "Kissani Zindabad" and no specific or exact words allegedly insulting the complainant have been attributed to him in the FIR; that the screenshot annexed with the FIR does not reflect use of the word "chamar" by the appellant, nor does it establish any intention to insult or humiliate the complainant on the basis of caste; that the alleged remark was not made in public view and, therefore, the essential ingredients of Sections 3(1)(r) and 3(1)(s) of the SC/ST Act are not attracted; that the appellant, a Sarpanch, and the complainant, a Member Panchayat, had no such exchange, and no prima facie case under the Act is made out; consequently, the bar under Section 18 is not applicable; that no



certificate under Section 64 of the BSA has been obtained; the appellant has clean antecedents, no recovery is to be effected from him, and he is willing to join the investigation and face trial. Hence, the present appeal has been filed. In support of his contention, learned senior counsel for the appellant has placed reliance upon law laid down by Hon'ble Supreme Court in Sajjan Skaria versus The State of Kerala and another 2024 AIR Supreme Court 4557, Prathvi Raj Chauhan versus Union of India and others Law FinderDoc ID # 1682051 and Keshaw Mahto @ Keshaw Kumar Mahto versus State of Bihar and another 2026(1) RCR (Criminal) 448.

3. Notice of motion.

4. In pursuance of advance notice, Mr. Surender Singh Pannu, Addl. AG, Haryana, appeared and opposed the appeal by submitting that the material collected during investigation, including the WhatsApp chats and accompanying circumstances, prima facie disclose commission of offences under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act; that merely because the appellant disputes being the admin of the WhatsApp group or the exact wording in the FIR, the same does not dilute the evidentiary value of the electronic record, which is subject to proof during trial; that the contents of the chat, read in entirety, indicate use of caste-based expressions with intent to insult and humiliate the complainant, and the requirement of "public view" stands satisfied inasmuch as the remarks were made in a WhatsApp group comprising multiple members; that the absence of a certificate under Section 64 of the BSA at this stage is



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facie case is clearly made out against the appellant and, therefore, the bar contained under Section 18 of the Act is attracted; that the role of the appellant requires custodial interrogation for effective investigation. Hence, prayer for dismissal of the appeal is made.

5. Having heard learned counsel for the parties and perused the record, this Court finds that the allegations in the FIR, coupled with the material placed on record, prima facie disclose the commission of offences under the SC/ST Act. The question as to whether the appellant used specific words or the exact nature of the conversation are matters to be adjudicated upon during trial. At this stage, a detailed appreciation of evidence is neither warranted nor permissible. The contention regarding absence of certificate under Section 64 of the BSA does not merit acceptance at this stage. Further, the issue whether the alleged remarks were made in “public view” and with requisite intent cannot be conclusively determined at the pre-trial stage and can be considered only after appreciating evidence adduced by both the parties.

6. In view of the prima facie material and the statutory bar contained under Section 18 of the Act, this Court does not find any ground to grant relief to the appellant.

7. Accordingly, the present appeal is dismissed.

20.03.2026
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(SUBHAS MEHLA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No