



**CRA-S-1002-2026 (O&M) -1-**

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

**202**

**CRA-S-1002-2026 (O&M)  
Date of Decision: 12.05.2026**

Ranjodh Singh @ Jodha and another

**....Appellants**

Versus

State of Punjab and another

**....Respondents**

**CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL**

Present: Mr. Amardeep Singh, Advocate for the appellants.

Ms. Amrit Kaur Mahir, AAG, Punjab.

None for respondent No.2/complainant.

\*\*\*\*\*

**RUPINDERJIT CHAHAL, J (ORAL)**

1. Present appeal is directed against the orders dated 18.11.2025 and 28.11.2025 passed by the Additional Sessions Judge, Amritsar dismissing the application of the appellant(s) for grant of anticipatory bail in case FIR No.191 dated 24.09.2025 registered under Sections 125, 351(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 25/27 of the Arms Act (Section 109 of BNS and Section 3(2) of the Scheduled Castes and Scheduled Tribes, 1989 (hereinafter in short as 'SC/ST Act') added later on), at Police Station Chhehrata, District Amritsar.

2. Brief facts as per the prosecution case are that the appellants along with co-accused had attacked the complainant and his brother with firearms and abused them in the name of his caste, due to some old enmity.

3. Learned counsel for the appellants has submitted that the appellants have been falsely implicated in the present case due to some old

**CRA-S-1002-2026 (O&M) -2-**

enmity. He argued that initially, the FIR was registered under Sections 125, 351(2) and 3(5) of the BNS and Sections 25/27 of the Arms Act, however, Sections 109 of BNS and 3(2) of the 'SC/ST Act' have been added later on only upon the supplementary statement of the complainant that too after a gap of 20 days from the registration of the FIR, casting serious doubt on the prosecution story. He argued that appellant No.2 was neither named in the FIR, nor she was even present on the spot at the time of alleged occurrence. He argued that if the contents of the FIR are taken to be true, even then no specific role has been attributed to the appellant No.2. He further argued that Section 109 of BNS was added later by the prosecution only to make the offence graver and the stringent provisions of SC/ST Act have also been misused. Moreover, the appellants have clean antecedents as they are not involved in any other case and 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.

4. On the other hand, learned State counsel, has already filed the status report in the matter and while referring to the same, she has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the appellants are serious in nature. She argued that the appellant No.1 has been specifically named in the FIR and he fired gunshots initially in the air and subsequently directly towards the complainant with an intention to kill him. She further submitted that appellant No.1 hurled filthy abuses, made obscene gestures and extended threats to kill the complainant party. She further argued that appellant No.2 is attributed a clear role in using

**CRA-S-1002-2026 (O&M) -3-**

caste-indicative abusive language against the complainant and his family members and both the appellants have played actively role in the crime. Thus, custodial interrogation of the appellants are required for fair and proper investigation in the matter as well as to effect recovery of weapon of offence used in the crime. Hence, she prays for dismissal of the appeal.

5. In the present case, the appellant No.1 was specifically named in the FIR and the allegations against him are serious in nature. As per the status report, appellant No.1 fired gunshots initially in the air and thereafter directly towards the complainant with an intention to kill him. He is alleged to have hurled filthy abuses, made obscene gestures and extended threats to kill the complainant party. Appellant No.2 is attributed a clear specific in using caste-indicative abusive language against the complainant and his family members and as such, a *prima facie* case is made out against both the appellants and ingredients of offence under Section 3 of SC/ST Act are duly established.

6. 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*



**CRA-S-1002-2026 (O&M) -4-**

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

7. 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*



**CRA-S-1002-2026 (O&M) -5-**

*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.”*

8. In view of the above, the custodial interrogation of the appellant is necessary for effective investigation and to recover the weapon of offence if it is denied, it will leave many loose ends, which is not desired. Thus, the present appeal being devoid of merits is accordingly dismissed.

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

10. The pending application(s), if any, shall stand disposed of accordingly.

**(RUPINDERJIT CHAHAL)**  
**JUDGE**

**12.05.2026**  
*D.Bansal*

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