



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101+206

CRA-S-1074-2026
Decided on : 29.04.2026

Rekha Mahajan

... Appellant(s)

Versus

State of Punjab and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
for the appellant(s).

Mr. Vinay Malhotra, DAG, Punjab
assisted by ASI Manjit Singh.

Mr. Ritesh Panndey, Advocate
for respondent No.2.

SANJAY VASHISTH, J. (Oral)**CRM-18493-2026**

I. This is an application filed u/s 528 of BNSS, 2023 (corresponding Section 482 Cr.P.C.), for placing on record the additional affidavit of the complainant and RTI information as **Annexure P-6**.

II. Allowed as prayed for. Documents, as **Annexure P-6**, filed along with application is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

III. CRM stands disposed of.

CRA-S-1074-2026

1. Appellant – Rekha Mahajan, aged 56 years, has filed present appeal, for setting aside of the order dated 12.03.2026 passed by learned Special Court, Amritsar, whereby prayer for anticipatory bail filed by the



appellant has been declined, in the proceedings of FIR No.41 dated 04.03.2026 registered under section 3(1) of SC/ST Act, 1989, at PS Kamboj, Amritsar.

2. In the present case, on 01.04.2026, following order was passed by this Court:-

“2. As per the allegations levelled by the complainant namely Jorinder Singh in the FIR, he stated that on 08.12.2025 at about 8:50 A.M., when he reached the school and went to the office of the Principal to mark his attendance, Principal namely Rekha Mahajan (appellant herein), along with some other teachers, was present and engaged in an argument amongst themselves. When the complainant attempted to pacify them, appellant allegedly addressed him in abusive language and used caste-related remarks, including the word “Chuhriya.”

It is further alleged that the appellant stated that she had earlier “taught a lesson” to persons belonging to the complainant’s caste at Ajayabwali Schools and Mehta Nangal Schools. On the basis of these allegations, and the claim that complainant was insulted in the presence of staff members, FIR in question came to be registered against the appellant.

3. Learned Senior counsel for the appellant contends that the allegations are false and devoid of merit, and a fabricated story has been put forth.

4. Learned Senior Counsel for the appellant contends that the complaint has been filed with a motivated and mala fide intent, arising out of enmity. In order to substantiate this contention, it is submitted that the alleged incident is stated to have occurred on 08.12.2025 at about 8:50 A.M., whereas the complaint was first made on 18.12.2025, and FIR came to be registered much later on 04.03.2026.

It is argued that had there been any substance in the allegations, complainant/respondent No.2, being vigilant of his rights, would have promptly approached the authorities immediately after occurrence of the alleged incident. The delay of approximately 10 days in lodging the initial complaint, followed by a further delay of nearly three months in registration of the FIR, casts serious doubt on the veracity of the allegations.

5. Learned Senior Counsel further advances another limb of argument to demonstrate the motivated nature of the proceedings, and in this regard, he refers to an official communication dated 15.11.2025 (Annexure A-12), addressed by the petitioner, in her official capacity, to the DPI (Secondary), Mohali, Chandigarh. Through the said communication, a complaint was made against one Hargurbir Singh, Lower Physical Education Teacher, alleging misconduct with female teachers and lack of cooperation in school-related work.

In the said complaint, it has been specifically mentioned that:- “However, under the influence of Hargurbir Singh, Isha’s friends namely Jorinder Singh (DP) and Harpreet Singh (Art & Craft teacher) refused to take lecture.”

6. Learned Senior Counsel for the appellant further refers to the proceedings recorded in the meeting register of the school teachers/lecturers. In particular, reliance is placed upon the proceedings dated 27.11.2025 (Annexure A-14), which read as under:-

“However, Shri Hargurbir Singh, Lecturer in Physical



Education, stated that on the same date at about 4:00-5:00 PM, Jorinder Singh (inadvertently typed as Joginder Singh), while standing in the school premises in the presence of the Panchayat, said: "In my presence, if this student's name is struck off, I will call Bhagwant and I will deal with you". Due to such intimidation and threats, and in order to maintain peace and harmony in the school, said resolution could not be implemented.

7. Learned Senior Counsel for the appellant further refers to a communication dated 11.12.2025 (Annexure A-10), addressed by the appellant, in her official capacity, to the Principal Secretary, Education, Mini Secretariat, Mohali.

Vide said communication, a complaint was lodged against S. Hargurbir Singh, Lecturer in Physical Education, and D.P. Jorinder Singh, alleging disobedience of official directions and disruption of the academic environment of the school.

In the said communication/letter dated 11.12.2025 (Annexure A-10), it has been recorded as under:-

"I have complained about him to the DPI (Sec) as well. You are requested that in order to save the atmosphere of the school from getting disturbed S. Hargurbir Singh, lecturer Physical Education and S. Jorinder Singh DP, who is now following the footsteps of S. Hargurbir Singh, both be transferred to some other school".

8. Referring to the aforementioned communications, learned Senior Counsel for the appellant submits that, in fact, prior to the alleged incident, appellant had already lodged complaints against complainant-Jorinder Singh, and his associate, Hargurbir Singh.

9. It is further pointed out that statements of 14 staff members, appended with the present appeal, also indicate that there is nothing wrong in the behaviour of the Principal (appellant herein) and no truth is there in the allegations, which allegedly took place in the office of the Principal (appellant herein).

10. Learned Senior counsel for the appellant further relies upon the judgment passed by this Court in the case of Harpreetinder Singh vs. State of Punjab, in CRM-M-113-2020, decided on 27.01.2020, and further relies upon the judgment passed by Hon'ble the Apex Court, in the case of Prathvi Raj Chauhan vs. Union of India and others, (2020) 4 Supreme Court Cases 727, dated 10.02.2020.

11. Notice of motion.

12. On advance notice, Mr. Neeraj Madaan, Sr. DAG, Punjab, puts in appearance on behalf of the respondent – State, and Mr. Ritesh Pandey, Advocate, puts in appearance on behalf of respondent No.2/complainant, and files his power of attorney in Court today, which is taken on record. They seek some time to file status report in the matter.

13. Adjourned to 10.04.2026.

14. Meanwhile, the appellant is directed to join the investigation as and when required to do so by the Investigating Agency. In the event of her arrest, the appellant shall be released on ad-interim bail, subject to her furnishing bail bonds to the satisfaction of the Arresting Officer. The appellant shall also abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

8. Besides, it is directed that appellant would hand over her passport to the Investigating Agency or to Court concerned, if she possesses. Otherwise, would submit an affidavit, disclosing the fact that she does not possess any passport.

It is also directed that before leaving country any time during trial, appellant would seek prior permission of the Court."



contends that in compliance of the order dated 01.04.2026, passed by this Court, appellant has joined the investigation, and has fully co-operated. Therefore, he prays for confirmation of the said interim anticipatory bail order.

4. On the other hand, learned State counsel has filed the status report dated 29.04.2026 in Court today, which is taken on record. Office to tag the same at appropriate place.

A copy thereof has been handed over to the learned Senior counsel for the appellant.

5. Learned State counsel confirms the averment made by learned counsel for the petitioner that petitioner joined the investigation on 03.04.2026, and further submits that, as of now, custodial interrogation of the petitioner is not required for the purpose of investigation. However, she need to surrender her passport to the investigating officer.

6. At this stage, learned counsel for respondent No.2, while referring to para No.5 of the order dated 01.04.2026, submits that as per the RTI information supplied to him, no such document was ever received by the DPI (Secondary), Mohali, Chandigarh. Therefore, the reliance placed by learned counsel for the appellant on the said document and reference thereof before this Court amounts to gross misrepresentation. Hence, it is contended that the appellant is not entitled to the equitable relief of anticipatory bail and the instant appeal deserves to be dismissed.

7. In regard to letter/communication dated 15.11.2025 (A-12), learned Senior counsel relies upon the screenshots of WhatsApp messages (copies whereof have been produced in Court) to submit that the said letter



was also brought to the notice of the DPI (Secondary), Mohali, Chandigarh, by forwarding the same on WhatsApp.

Regarding communication dated 16.11.2025 (A-13), learned Senior counsel submits that evidence is still available on the WhatsApp of the mobile phone of the appellant and can be verified by the Investigating Officer.

He further submits that the resolution dated 27.11.2025 (A-14), having been signed by as many as 16 members, can also be verified by the Investigating Officer, to which he has no objection. Besides, reliance is also placed upon the complaint/communication dated 09.12.2025 (A-15).

8. I have considered these submissions addressed by respective counsel of the parties and also gone through the material available on record.

9. Whether the communication allegedly sent by the appellant to the DPI office is ante-dated or was duly forwarded to the concerned authority is a matter of documentary evidence and requires proper investigation.

Stand of the appellant that certain communications were addressed to the DPI (Secondary), Mohali, Chandigarh, the question as to whether same were actually received or not, or whether the information supplied to respondent No.2 under the RTI Act, is correct or incorrect, same cannot be adjudicated in the present proceedings. The fact remains that the alleged incident took place on 08.12.2025, whereas, FIR in that regard was registered on 18.12.2025, thus, there was a gap of about 10 days in registration of FIR.

The authenticity of the communications relied upon by the



appellant shall be examined by the Investigating Officer, and in case any discrepancy is found, it shall be open to the Investigating Agency to proceed further in accordance with law.

10. Since, appellant has already joined the investigation and custodial interrogation is no more required; ad-interim bail order dated 01.04.2026, passed by this Court is hereby made **absolute**.

However, appellant shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid down under Section 482(2) of BNSS, 2023.

11. Accordingly, instant appeal stands **disposed of**, accordingly.

12. However, present order would be subject to the submission of passport of the appellant to the Investigating Agency or to Court concerned, if she possesses, within a period of two weeks from today. Otherwise, she would submit an affidavit, disclosing the fact that he does not possess any passport.

It is clarified that in case, aforesaid condition is not complied with, this order would be considered as *non est* automatically.

Pending misc. application(s), if any, also stand disposed of.

(SANJAY VASHISTH)
JUDGE

April 29, 2026

J.Ram

Whether speaking/reasoned: ✓ Yes/~~No~~

Whether Reportable: ✓ Yes/~~No~~