



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

208**CRA-S-1098-2026 (O&M)****Date of Decision: 05.05.2026**

Nitin Rana @ Nitin Kumar

....Appellant

Versus

State of Punjab and another

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

Present: Mr. Prateek Pandit, Advocate for the appellant.

Ms. Amrit Kaur Mahir, AAG, Punjab.

Mr. Ribhav Chadha, Advocate for the complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Present appeal is directed against the order dated 19.03.2026 passed by the learned Additional Sessions Judge, Jalandhar, dismissing the application of the appellant for grant of anticipatory bail in case FIR No.31 dated 22.02.2026 registered under Section 115(1), 118(2), 127(1), 298 and 351(3) of the Bharatiya Nyaya Sanhita, 2023 and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989, at Police Station Maqsudan, District Jalandhar Rural.

2. The brief facts of the present case are that the petitioner, along with the co-accused persons, allegedly assaulted the complainant party with a dattar and also insulted them by using caste based derogatory words. Hence the present FIR.

3. Learned counsel for the appellant contended that the appellant has been falsely implicated in the present case. he argued that the present complaint has been lodged by the complainant at the asking of his employer



Harkrishan Singh Walia. He further submitted that co-accused Davinder Singh Tanwar had given a complaint against one Inderdeep Singh and the present FIR has been lodged to pressurize the co-accused to withdraw the said complaint. He further submitted that there is delay of one day in registering the FIR in question which raises doubts on the prosecution story. He further argued that if the contents of the FIR are taken to be true, even then neither any injury, nor any caste based derogatory words have been attributed to the present appellant. Moreover, a bare perusal of the FIR would reveal that no knowledge has been imputed to the present appellant regarding the caste of the victim and ingredients of the SC/ST Act were not at all attracted against him. Learned counsel has further submitted that the appellant is 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 filed status report, which is taken on record. She has vehemently opposed the prayer for bail, 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, she prayed that the present appeal is liable to be dismissed.

5. Learned counsel for respondent No.2/complainant submitted that the appellant had played an active role in the crime and thus, does not deserve any concession from this Court.

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

7. In the present appeal, the allegations, as reflected in the FIR, do not prima facie attribute any specific role to the appellant in causing injury or in using any caste-based derogatory words, nor is there any material to



suggest that the appellant had knowledge of the caste of the complainant so as to attract the rigours of the SC/ST Act and thus, 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."*

.....emphasis supplied

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 passed by the learned Additional Sessions Judge, Jalandhar is set aside, and the appellant is ordered to be released on anticipatory bail in the event of his arrest, subject to his 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.

05.05.2026
D.Bansal...

(RUPINDERJIT CHAHAL)
JUDGE

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