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CRA-S-1119-2026 (O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-1119-2026 (O&M)
Date of decision: 07.05.2026

DARBARA SINGH ALIAS DALBARA SINGHAppellant

Versus

STATE OF PUNJAB AND ANR.Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Himanshu Garg, Advocate for the appellant.

Mr. Amritpal Singh Gill, DAG Punjab.

Respondent No.2-Gurjant Singh in person.

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RUPINDERJIT CHAHAL, J. (ORAL)

1. Present appeal is directed against the order dated 25.03.2026 passed by the learned Additional Sessions Judge, Sangrur dismissing the application of the appellant for grant of anticipatory bail in case FIR No.37 dated 28.02.2026 registered under Sections 3(1)(q) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 and Section 212(a) of the BNS, 2023 at Police Station Dirba, District Sangrur.

2. The brief facts of the present case are that the appellant while moving an application before the Chairman, Punjab State Schedule Castes Commission, Punjab falsely represented himself as belonging to the Scheduled Caste and thereby mislead the Commission. Hence the present FIR.



has been falsely implicated in the present case. He submits that the appellant's application before the Punjab State Schedule Castes Commission, Punjab was a genuine grievance as the complainant has encroached and blocked the passage of the appellant's agricultural land. He further submits that the present dispute is also pending before the learned Civil Court, Sunam and a stay order was granted in his favour. He submits that the alleged falsehood is limited to the mention of the appellant's caste and there is no allegation that this factual inaccuracy caused the Commission to take any illegal action, which has caused any injury or annoyance to the complainant. He submits that the Commission merely directed an inquiry into the grievance. He further submits that the alleged caste discrepancy is nothing but a typographical error by the typist, and the appellant being a senior citizen and an illiterate person had no intention to mislead the Commission. He submits that the impugned order is not sustainable in the eyes of law as while passing the same, learned Additional Sessions Judge, Sangrur did not consider the question that ingredients of the SC/ST Act were not at all attracted against him. Appellant has clean antecedents as he is not involved in any other case. 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 deserve to be given benefit of pre-arrest bail.

4. Learned State counsel has filed the status report, which is taken on record. He has vehemently opposed the prayer for bail, stating that the offence committed by the appellant is serious in nature and the bar



present appeal is liable to be dismissed. However, he could not controvert the fact that the petitioner has clean antecedents.

5. Respondent No.2 has appeared in person and has opposed to the relief sought by the appellant.

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, it is not disputed that a land dispute already exists between the appellant and the complainant which is pending adjudication before the Civil Court. Further considering that the allegation against the appellant pertains to the incorrect mention of caste status in an application submitted before the Chairman, Punjab State Scheduled Castes Commission, and at this stage, it cannot be conclusively determined whether the same was deliberate or merely a typographical error; and also noticing that there is no specific allegation that any wrongful gain was obtained or that any coercive action or direct injury was caused to the complainant pursuant to the said representation, this Court is of the opinion that custodial interrogation of the appellant is not warranted at this stage. In these circumstances, without commenting upon the merits of the case, 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



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. 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 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 dated 25.03.2026 passed by the learned Additional Sessions Judge, Sangrur 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.

07.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |