

2026:PHHC:075974



208

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-1242-2026

Sonu

....Appellant

versus

State of Haryana and another

....Respondents

Date of Decision: May 14, 2026

Date of Uploading: May 14, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Ajay Kripal Singh, Advocate for the appellant.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

None for respondent No.2.

SUMEET GOEL, J. (ORAL)

Present appeal has been filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 for grant of concession of anticipatory bail to the appellant in case FIR No.39 dated 01.03.2026, registered for offences punishable under Sections 3(1)(r) & 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (for short 'SC/ST Act'), at Police Station Sadar, Panipat.

2. On 10.04.2026, the following order was passed:

“Apprehending his arrest in FIR No.39 dated 01.03.2026 registered for offences punishable under Sections 3(1) (r) and 3(1)(s) of

SC/ST, Act at Police Station Panipat Sadar, District Panipat; the appellant has preferred the present appeal seeking pre-arrest bail.

Counsel for the appellant, inter alia, contends that the appellant is sought to be implicated on the basis of a news item; the appellant has not given any specific advertisement wherein the word “Harijan” has been used; in order to show his bona fide the appellant has even got published a clarification on 01.03.2026 wherein he has expressed regret; no effective recovery is to be made from the appellant; the appellant has been falsely implicated into the FIR in question with a mala fide intent wherein the appellant is the working Sarpanch & the FIR-complainant is the ex-Sarpanch; the appellant is a man with clean antecedents & is willing to join investigation and cooperate therein as per law.

*In order to buttress his arguments, learned counsel for the appellant has relied upon the dicta of the judgment of this Court in **Arvind Vs. State of Haryana and another, 2024(2) Law Herald 970**, relevant whereof reads thus:*

“9.3. As an epilogue to above discussion, the following principles emerge:

(I) A plea for grant of anticipatory bail/pre-arrest bail filed under Section 438 of Cr.P.C., 1973 is maintainable in respect of offence(s) alleged to have been committed under the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(II) Such a plea can be granted only when judicial scrutiny of the factual matrix of such case reflects that; insofar as allegations pertaining to offence(s) under the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 are concerned; “No prima facie case is made out” or “the case is prima facie false” or “the case is motivated” or “the case is malafide ”or where “non-granting of such plea would cause miscarriage of justice or abuse of process of law”. It is neither fathomable nor pragmatic to lay down any exhaustive/conclusive parameters as to what would be the touch-stone to determine these aspects in a given case as every case has its own peculiar factual matrix. (III) A Special Court [a Sessions Court which has been duly notified as per Section 14(1) of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989]/ an exclusive Special

Court [duly established as per Section 14 the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989] is competent to adjudicate upon a plea for grant of anticipatory bail filed under Section 438 of Cr.P.C, 1973 in respect of offence(s) committed under the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989. Such Special Court/exclusive Special Court ought not to decline such a plea solely on the ground of such a plea not being maintainable in terms of statutory provisions contained in Section 18/18(A) of the Act and is rather required to delve into the merits thereof in accordance with law. While exercising its discretion, such Special Court/exclusive Special Court ought to consider the parameters enumerated hereinabove with respect to the accusations pertaining to 1989 Act.”

Notice of motion.

On the strength of advance notice; Mr. Gurmeet Singh, AAG, Haryana has entered appearance on behalf of the respondent No.1-State of Haryana.

At this stage; Mr. Ravinder Malik, Advocate has entered appearance on behalf of respondent No.2 and filed his power of attorney.

Adjourned to 14.05.2026.

The appellant is directed to appear before the Investigating Officer on 18.04.2026 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the appellant shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the appellant shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023.”

3. Learned State counsel (on instructions) has stated that pursuant to the order dated 10.04.2026, the appellant has indeed joined investigation, and his custodial interrogation is not required.

4. Having heard learned counsel for the parties and keeping in view the entirety of factual *milieu* of the case in hand; especially, the factum

of appellant having joined investigation and he is not required for custodial interrogation by the State; the interim order dated 10.04.2026 passed by this Court is made absolute, subject to the conditions as enumerated under Section 482(2) of BNSS, 2023.

5. Appeal stands **allowed**, accordingly.

6. This order should not be treated as “blanket” order. It will not be read granting appellant indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

7. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the appellant violates any condition stipulated under Section 482(2) of BNSS, 2023 or upon showing any other sufficient cause.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

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

(SUMEET GOEL)
JUDGE

May 14, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No