



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M No.23067 of 2026 (O&M)

Date of Decision :18.05.2026

Kirtan Singh and another

.....Petitioners

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr.Harpreet S. Rakhra, Advocate for the petitioners.

Mr. I.P.S. Sabharwal, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. This is a petition for anticipatory bail, filed by the petitioners under Section 528 of 'the Bharatiya Nagarik Suraksha Sanhita 2023'. It has been filed with regard to in a case arising out of FIR No.8 dated 23.02.2024, for the commission of offence punishable under Sections 306 & 34 of Indian Penal Code and Sections 3(ii) and (v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, hereinafter being referred to as 'SC&ST Act' only, Police Station Rureke Kalan, District Barnala.

2. This petition has been filed in the backdrop of the fact that with regard to above mentioned FIR an application for anticipatory bail was filed by the petitioners in the Court of Sessions. The above mentioned application was dismissed by the learned Special Judge, designated under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989. Aggrieved of the above mentioned order, the petitioners filed an appeal in this Court, i.e. CRA-S-1025-2024. The above mentioned appeal was dismissed on the ground that same is not maintainable. Hence, the present petition.

3.

Vide order dated 27.04.2026, the petitioners were admitted to



interim anticipatory bail, subject to the condition of furnishing bonds to the satisfaction of arresting officer. It was also directed that the petitioners shall join the investigation.

4. Heard.

5. It has been submitted by learned counsel for the petitioners that in compliance with order dated 27.04.2026, the petitioners have already joined the investigation, and that nothing has been left to be recovered from the possession of petitioners. In view of above, the learned counsel for the petitioners has requested that the order dated 27.04.2026, be made absolute.

6. The learned State counsel has filed the status report. The same be taken on record. The learned State counsel, on the instructions of 'ASI Baljeet Singh', has submitted that the petitioners have joined investigation, and that for further investigation of this case their custodial interrogation is not required.

7. The record has been perused carefully.

8. With regard to present petition, it is relevant to mention here that the allegations contained in the FIR leads to a conclusion that there is a very strong circumstances that the provisions enshrined under SC & ST Act may not be invoked in the present case, and therefore, it is hereby held that in view of the law laid down by the Hon'ble Supreme Court of India in the case of 'Dr. Subhash Kashinath Mahajan v. State of Maharashtra and Another' AIR 2018 Supreme Court 1498, along with review petition in the above mentioned case reported as 'Union of India v. State of Maharashtra and Others', AIR 2019 Supreme Court 4917, and the principles of law laid down by the Hon'ble Supreme Court of India in the case of 'Shajan Skaria v. The State of Kerala



and Another’ AIR 2024 Supreme Court 4557, has observed that the bar enshrined under Section 18 of the SC & ST Act does not come into picture if on the basis of contents of complaint, prima facie the allegations under Section 3 and 4 of the SC & ST Act are not made out.

9. Keeping in view the aforesaid submissions and the fact that the petitioners have already joined the investigation, it is hereby ordered that the petitioners are entitled for anticipatory bail. Hence, the present petition is hereby allowed and the order dated 27.04.2026, whereby the petitioners were accorded the benefit of interim anticipatory bail, is hereby made absolute.

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

(SURYA PARTAP SINGH)
JUDGE

18.05.2026
Manoj Bhutani

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