

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

2026.PHHC:065377



**CRA-S-1454-2026 (O&M)
Date of Decision: 27.04.2026**

PARKASH SINGH **... APPELLANT**
VERSUS
STATE OF PUNJAB AND ANOTHER **... RESPONDENTS**

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. B.S.Bhalla, Advocate for the appellant.

H.S. GREWAL, J. (ORAL)

1. The appellant is aggrieved by the impugned order dated 15.04.2026 passed by the learned Addl. Sessions Judge, Moga whereby his application for grant of anticipatory bail in case FIR No. 64 dated 14.03.2025, under Sections 103(1), 191(1), 190, 61(2) of BNS and Sections 25 and 27 of Arms Act and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act registered at Police Station City South, District Moga has been dismissed.

2. Learned counsel for the appellant submits that the appellant has earlier been granted bail vide order dated 17.04.2025 passed by the Co-Ordinate Bench of this Court in CRM-M-20542-2025. However, vide DDR No.23 dated 31.03.2026, offence under Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been added in the FIR. The appellant applied for anticipatory bail in the Sessions Court, however, the same was declined to the appellant on the ground of enhancement of offence under Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Notice of motion.

4. Mr. Parneet Singh Pandher, A.A.G., Punjab accepts notice on behalf of the State and has opposed the bail application on the score that the the learned trial Court has rightly rejected the bail of the appellant as offence under Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act has been added later on in the FIR.

5. I have heard learned counsel for the parties and gone through the record of the case.

6. Hon'ble the Supreme Court in *Sumit Vs State of U.P. and Another, Criminal Appeal No. 830 of 2026*, decided on 09.02.2026 has observed that the investigating authority on addition of an offence or offences may not proceed to arrest the accused/petitioner, but for arresting the accused/petitioner on such addition of offence or offences it needs to obtain an order to arrest the accused/petitioner from the Court which had granted the bail.

7. In view of the judgment passed by the Hon'ble Supreme Court in *Sumit* (supra), the present appeal is allowed. The order granting anticipatory bail to the appellant dated 17.04.2025 passed by the Co-Ordinate Bench of this Court in CRM-M-20542-2025 be construed to have been passed under Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act as well.

27.04.2026

Janki

(H.S.GREWAL)
JUDGE

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