



**CRA-S-1645-2026 (O&M) -1-**

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

**204**

**CRA-S-1645-2026 (O&M)  
Date of Decision: 20.05.2026**

Gurdev Singh and another

**....Appellants**

Versus

State of Punjab and another

**....Respondents**

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

Present: Mr. Amit Arora, Advocate  
for the appellants.

Ms. Amrit Kaur Mahir, AAG, Punjab.

Mr. Sukhwinder Singh Kainth, Advocate  
for respondent No.2/complainant.

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**RUPINDERJIT CHAHAL, J (ORAL)**

1. Present appeal is directed against the order dated 19.03.2026 passed by the Additional Sessions Judge, Tarn Taran dismissing the application of the appellants for grant of anticipatory bail in case FIR No.96 dated 15.02.2026 registered under Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ((hereinafter in short as 'SC/ST Act') and Sections 115(2), 351(2), 352 and 356 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Goindwal Sahib, District Tarn Taran.

2. Brief facts as per the prosecution case are that the appellants along with co-accused had slapped the complainant and abused him in the name of his caste with an intention to disrespect him.

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3. Learned counsel for the appellants has submitted that the appellants have been falsely implicated in the present case. He argued that the alleged occurrence took place on 13.02.2026 but the FIR in question was registered on 15.02.2026 i.e. after an unexplained delay of 02 days, casting serious doubt on the prosecution story. He argued that if the contents of the FIR are taken to be true, even then no specific role has been attributed to the appellants. He further argued that no offence under the provisions of SC/ST Act is made out as there is nothing mentioned in the FIR to impute knowledge to the appellants regarding the caste of the complainant and the stringent provisions of SC/ST Act have been misused. No recovery is to be effected from the appellants. He further argued that the custodial interrogation of the appellants is not required for any recovery and they are 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 the status report in the matter, which is taken on record and while referring to the same, she has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the appellants are serious in nature. She argued that the appellants have been specifically named in the FIR and they along with co-accused hurled filthy abuses and uttered caste related words namely 'Kutta Chura' with an intention to disrespect him in the name of his caste. She further argued that the entire incident was captured in the CCTV cameras installed outside the house of the complainant and thus the appellants have played actively role in the crime. Thus, custodial interrogation of the appellants is required for fair and proper investigation in the matter. Hence, she prays for



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dismissal of the appeal.

5. Learned counsel for the complainant, while opposing the prayer for anticipatory bail, has contended that the appellants have played an active role in the crime and have abused the complainant in the name of his caste. He further argued that the plea of the appellants that they had no knowledge of the caste of the complainant, is not well founded as the appellant are more than 50 years old persons of the village whereas the complainant is the Sarpanch of the said village. Hence, it is not believable that the appellants were not aware about the caste of the complainant. Thus, he prayed that the appellants do not deserve the concession of bail.

6. Having heard learned counsel for the parties and after perusing the material available on record, this Court is not inclined to grant the concession of anticipatory bail to the appellants. The allegations levelled against the appellants are serious in nature and they have been specifically named in the FIR with a specific allegation that they along with co-accused not only slapped the complainant but also abused him by uttering caste related words with an intention to humiliate and disrespect him. The contention raised by learned counsel for the appellants regarding lack of knowledge about the caste of the complainant does not *prima facie* inspire confidence, particularly when the complainant is stated to be the Sarpanch of the village and the appellants are also resident of the same village. Moreover, as per the status report, the entire occurrence has been captured in the CCTV cameras installed outside the house of the complainant, which lends support to the prosecution version. As such, a *prima facie* case is made out against the appellants and ingredients of offence under Section 3 of SC/ST Act are duly established.

7. It is befitting to mention here that while considering a plea for



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grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '*State Vs. Anil Sharma*', (1997) 7 SCC 187, wherein it has been held as under:

*"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."*

8. More recently, a three Judge Bench of Hon'ble Supreme Court in the case of '*Kiran v. Rajkumar Jivraj Jain*'; *Criminal Appeal No. 3867 of 2025 (Special Leave Petition (CRL.) No. 8169 of 2025)*, decided on **01.09.2025**, has categorically held that anticipatory bail is permissible under SC/ST Act only if *prima facie* offence is not made out. Relevant part of the



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same is reproduced hereunder:-

“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.”

9. Considering the gravity of allegations, the active role attributed to the appellants and the requirement of fair and proper investigation, and the law laid down by the Hon’ble Apex Court, this Court does not find it to be a fit case for grant of anticipatory bail.

10. In view of the above, the custodial interrogation of the appellants



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is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present appeal being devoid of merits is accordingly dismissed.

11.            It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

12.            The pending application(s), if any, shall stand disposed of accordingly.

**20.05.2026**  
*D.Bansal*

**(RUPINDERJIT CHAHAL)**  
**JUDGE**

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