



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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1) CRA-S-2675-2025
Decided on : 18.03.2026

Parwinder Kaur alias Parminder Kaur ... Appellant(s)
Versus

State of Punjab and another ... Respondent(s)

2) CRA-S-2677-2025

Nachatar Singh and others ... Appellant(s)
Versus

State of Punjab and another ... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Sarju Puri, Sr. Advocate with
Mr. Digvijay Manchanda, Advocate
for the appellant(s).

Mr. Vinay Malhotra, DAG, Punjab.

Mr. Sanjeev K. Virk, Advocate
for the complainant(s).

SANJAY VASHISTH, J. (Oral)

1. This order shall dispose of CRA-S-2675-2025 and CRA-S-2677-2025, as both the appeals are interconnected and have arisen out of same impugned order dated 20.08.2025. However, the lead case is CRA-S-2675-2025.

2. Present appeals have been filed by the appellants by challenging the order/judgment dated 20.08.2025, passed by learned Judge, Special Court, SBS Nagar, whereby, the concession of anticipatory bail was declined, as the plea of anticipatory bail is barred under Section 18 of the



Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 (in short, 'SC/ST Act'). Hence, the appellants are before this Court.

3. Learned Senior counsel for the appellants submits that, in fact, the bail is being sought in the complaint filed by respondent No.2/complainant – Sunita Rani, for punishing the appellants under Sections 3/4 of the SC/ST Act read with Sections 506, 148, 149 of IPC.

4. Vide order dated 07.07.2025 (A-2), the appellants herein have been summoned to face trial. As per the summoning order (A-2), a total of seven accused, namely, (i) Parminder Kaur w/o Nachatar Singh, (ii) Nachatar Singh s/o Jagat Singh, (iii) Harjot @ Jyoti d/o Nachatar Singh, (iv) Ranvir Kaur d/o Balvir Singh, (v) Ranjit Kaur @ Soni d/o Gurnam Singh, (vi) Stephen s/o Gurnam Singh, and (vii) Sukhchain Singh @ Joga Singh s/o Sarwan Singh, all residents of Village Buraj Kandhari, PS Behram, Tehsil Banga, District SBS Nagar, were summoned to face trial under Sections 3(1) (r), 3(1)(s) of the SC/ST Act and Sections 506, 148, 149 of IPC.

5. Learned Senior counsel further submits that in compliance of the order dated 29.08.2025 passed by the Coordinate Bench of this Court, requisite affidavit(s), in terms of the judgment passed by the Madras High Court in Siva v. State, CrI.A. No.46 of 2024, decided on 01.02.2024, have already been submitted.

For reference, the common order dated 29.08.2025 passed in both the appeals is reproduced here-under:-

“ Appellants’ counsel prays for interim pre-arrest bail and submits that they have no objection if this Court while granting interim pre-arrest bail, imposes any stringent conditions including surrender of firearms, if any and restricting entry of the appellant(s) in the property/home/workplace of the complainant/victim and the appellant(s) further undertake that and they are willing to file affidavit in view of the judgment passed by the Justice M. Nirmal Kumar of Madras High Court



in Siva v. State, Crl.A. No.46 of 2024, decided on 01 Feb 2024.

In the above said judgment, Madras High Court while granting bail, imposed the following condition(s),

[6] ...After executing all the sureties within 15 days from coming out of prison, the appellants shall file affidavit before the concerned Court which reads as follows:

“I, as a Citizen of India, having utmost faith in the Constitution of India, am quite aware that 'Untouchability' has been abolished under our Constitution. I, hereby, take pledge that knowingly or unknowingly, I will not practice social discrimination based on untouchability either by words or deeds or in any other manner. I am aware that it is my duty to serve in a true, honest and faithful manner, as per the basic principles laid down under the Constitution, to create an independent Society, without any discrimination. I solemnly affirm that this would stand to speak forever the faith I have in the Indian Constitution.”.

Given the undertaking of the appellant(s), there shall be stay on appellant(s)' arrest till the next date of hearing.

The appellant(s) are also directed to hand over two set of affidavits, in the same terms, attested by any Executive Magistrate or Notarized, to the concerned SHO before the next date and one copy for the victim.

Notice served upon the official respondent through the State's counsel.

Let notice be issued to respondent no.2-complainant for 02.09.2025.

State to file status report in the meantime.

Photocopy of this order be placed on the file of each connected case.”

6. Learned Senior counsel further submits that prior to the filing of the complaint case before the Court, one more complaint was addressed by the complainant, which was inquired into by the SP (PBI), SBS Nagar, and it was concluded that *both the parties have affiliation with different political parties. It is only on account of this political rivalry that Sunita Rani has accused Parminder Kaur of using derogatory words pertaining to her caste, which was not found correct during inquiry. There is no requirement of any further action in this complaint. Therefore, the complaint be consigned to the record room.*

Recommendation of the Inquiry Officer: The complaint is recommended to be closed/consigned.

It is further argued that there is no occasion to subject the



appellants to custodial interrogation, once in the inquiry conducted by SP (PBI), SBS Nagar, no such offence was found to have been committed by the appellants/accused. Moreover, the trial is to proceed for pre-charge evidence, for which custody of the accused/appellants would not be required.

7. The factual and legal position, as explained by learned counsel for the appellants, has not been controverted by learned State counsel, more so for the reason that the appellants have been summoned in a complaint case and are not required by the Investigating Agency for custodial interrogation.

However, learned counsel for the complainant/respondent No.2, while filing his *Vakalatnama* in Court (which is taken on record), submits that even after summoning in the present case, the appellants have been threatening and assaulting the complainant party. Therefore, he opposes the prayer for grant of anticipatory bail.

8. Heard.

9. This Court is of the *prima facie* view that the observations recorded by SP (PBI), SBS Nagar, indicate that the parties are at loggerheads primarily on account of political rivalry.

Apart from this, it is also noticed in the opinion dated 04.09.2020 (A-3) of the District Attorney, SBS Nagar, that complainant Sunita Rani is habitual of filing such complaints due to vendetta, and accordingly, the complaint was recommended to be filed.

10. Undoubtedly, the law bars grant of anticipatory bail to the accused/appellants in such cases; however, there is no absolute bar where,



on a *prima facie* assessment, it appears that the provisions are being misused by the complainant/respondent No.2 – Sunita Rani. In such circumstances, this Court, by exercising its extraordinary jurisdiction, can extend the relief as sought by the appellants.

11. Therefore, in view of the findings recorded here-above, impugned orders dated 20.08.2025 are **set-aside** and consequent thereupon, it is directed that appellants would join investigation as and when required to do so by the Investigating Agency. In the event of their arrest, the appellants shall be released on ad-interim bail, subject to their furnishing bail bonds to the satisfaction of the Arresting Officer. The appellants shall also abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

12. Accordingly, **appeals are disposed of.**

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

Photocopy of this order be placed on the file of other connected case.

(SANJAY VASHISTH)
JUDGE

March 18, 2026

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No