



CRA-S-3173 of 2025

-1-

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

207

CRA-S-3173 of 2025

Date of Decision: 05.02.2026

Kulwinder Singh

....Appellant

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present: Mr. Naveen Batra, Advocate for the appellant.

Mr. Ravinder Singh, DAG, Punjab.

None for respondent No.2/complainant.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present appeal is for grant of anticipatory bail to the appellant in case FIR No.85 dated 11.07.2017 registered under Sections 337 and 511 of IPC and Section 3(i)(x) of the Scheduled Castes and Scheduled Tribes, 1989 (hereinafter in short as 'SC/ST Act'), at Police Station Bullowal, District Hoshiarpur.

2. Learned counsel for the appellant contends that the appellant has been falsely implicated in the present case and he has no concern with the said offence. He argued that the said incident took place on 19.05.2015 and the FIR in question was registered on 11.07.2017 i.e. after an unexplained gap of more than two years, casting serious doubt on the prosecution story, which seems to be concocted one and not justifiable in the eyes of law. He further argued that the present appellant was not challaned and he was kept in

**CRA-S-3173 of 2025****-2-**

column No.2 in the final report and only Gurjap Singh (husband of the appellant) is facing trial. It has also been contended that even if the contents of the FIR are taken to be true, then also, no offence under the provisions of SC/ST Act is made out against the appellant. Further, Gurjap Singh, who was specifically named in the FIR, has already been granted the concession of anticipatory bail by a Co-ordinate Bench of this Court, vide order dated 18.09.2017 and co-accused Sandeep Kaur @ Surinder Kaur has also been granted the concession of anticipatory bail by this Court, vide order dated 24.09.2025. During the proceedings of the trial, the appellant was wrongly summoned in this case under Section 319 of Cr.P.C. to face trial as an additional accused vide order dated 31.07.2025. He further argued there is not even an iota of evidence against him. Moreover, the petitioner has clean antecedents as he is not involved in any other case. Since the present appellant has been summoned under Section 319 of Cr.P.C., therefore, he apprehends his arrest, on his appearance before the trial Court.

3. On the other hand, learned State counsel has opposed the prayer for grant of anticipatory bail by submitting that the allegations levelled against the appellant are serious in nature. However, he does not dispute the fact the appellant was found innocent during the inquiry conducted by the police authorities.

4. Learned State counsel submits that respondent No.2/complainant has been informed about the pendency of the present appeal by the concerned police station but he did not chose to appear.

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

**CRA-S-3173 of 2025****-3-**

6. Admittedly, the appellant was not named in the FIR, however, he has been summoned now under Section 319 Cr.P.C., vide order dated 31.07.2025. Since he has been summoned under Section 319 Cr.P.C., he is not required for any investigation or interrogation purposes as he is found innocent in the inquiry conducted by the higher police authorities. The present appellant is only to face the trial for which his presence is required. That being so, no useful purpose would be served by sending the appellant behind the bars.

7. Considering the facts and circumstances mentioned above, the appellant is directed to appear before the trial Court within a period of four weeks from today. It is further directed that in that event, if the petitioner surrenders/appears before the trial Court, he shall be admitted to bail, on his furnishing bail/surety bonds, subject to the satisfaction of the concerned trial Court.

8. In case the appellant does not appear before the trial Court within the stipulated period of four weeks, the present order shall be deemed to be inoperative.

9. Nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently and the observations made in the present appeal are only for the purpose of adjudicating the present appeal.

10. With these observations, the present appeal is disposed of.

(RUPINDERJIT CHAHAL)
JUDGE

05.02.2026*D.Bansal*

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