



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

208

**CRA-S No.3662 of 2025 (O&M)
Date of Decision :23.01.2026**

Jasmer Singh @ Jassi and another

.....Appellants

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present : Mr.G.S.Sirphikhi, Advocate for the appellants.

Mr. Jasdev Singh Thind, DAG, Punjab.

SURYA PARTAP SINGH, J. (Oral):

1. For the commission of offence punishable under Section under Sections 115(2), 126(2), 351(2), 351(3), 3(5) of Bharatiya Nyaya Sanhita 2023, hereinafter being referred to as 'BNS' and Sections 3(1)(S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989, hereinafter being referred as 'SC & ST Act', the FIR No.198 dated 14.07.2025, has been lodged in Police Station Dera Bassi, SAS Nagar, Mohali. Since the appellants are apprehending arrest in the present case, they moved an application for anticipatory bail which was dismissed by the learned Special Judge designated under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.

2. Aggrieved of the order dated 11.11.2025, hereinafter being referred as 'impugned order', the present appeal has been preferred on the ground that the impugned order is not sustainable in the eyes of law and



therefore, needs indulgence of appellate jurisdiction of this Court.

3. In nut-shell the facts emerging from record are that the FIR of this case came into being at the instance of 'Monika' wife of 'Harmeet', hereinafter being referred to as complainant only. It was stated by the complainant that she was a household lady and that 'Raju' son of 'Jassi' had tried to take over the possession of a piece of land belonging to them. According to complainant, 'Raju', had tried to fix barbed wire surrounding the above mentioned land and that she had raised objection against the above mentioned endeavour of 'Raju', and informed her husband. The complainant further alleged that on her call her aunt 'Surinder Kaur', cousin of her husband 'Kuldeep Singh' and husband 'Harmeet Singh' arrived on the spot and removed the barbed wire fixed by 'Raju'. The complainant further alleged that thereafter 'Raju' along with his son, his father 'Jassi', 'Suraj' and 15-17 others unknown persons arrived on the spot and thrashed them. It was also stated by the complainant that when she screamed for help the assailants fled from the spot. According to complainant, since she and her husband were suffering from severe pain, they were admitted in civil hospital, but later on discharged.

4. The learned State Counsel has filed reply by way of affidavit of Deputy Superintendent of Police, Sub Division, Dera Bassi. The same be taken on record.

5. Heard.

6. It has been contended on behalf of the appellants that the learned Special Judge without application of judicial mind has declined the benefit of anticipatory bail to the appellants, merely on the ground that the provisions of



SC & ST Act are attracted in the present case. As per appellants, the learned Special Judge has not appreciated that the allegations contained in the FIR does not attract the provisions of SC & ST Act, and that the other offences allegedly committed by the appellants are bailable in nature, and therefore, the appellants are entitled for the benefit of anticipatory bail. It has been pleaded by the appellants that impugned order is not sustainable and need interference & indulgence of appellate jurisdiction of this Court.

7. It has been contended on behalf of appellants that the appellants are innocent, who have been falsely implicated in the present case merely due to greed of grabbing land belonging to family of the appellants. As per learned counsel for the appellants the learned Special Judge while dealing with application for anticipatory bail has failed to appreciate that the contents of the FIR nowhere projects the commission of any offence punishable under any provisions of SC & ST Act.

8. With regard to above, the learned counsel for the appellants has argued that in the present case the contents of the FIR are, too, vague and inconclusive to invoke the provisions of SC & ST Act. It has also been contended by learned counsel for the appellants that otherwise also there is nothing on record to show what kind of objectionable words in the name of caste of complainant were used by the appellants or other co-accused. As per learned counsel for the appellants, in addition to above, there is no averments that the above mentioned words were uttered in public view.

9. While claiming that with an intention to put pressure upon the appellants and his family a false FIR has been lodged, the learned counsel for



the appellants has contended that in the present case even as per allegations of the complainant the alleged injuries are simple in nature. It has also been contended by learned counsel for the petitioner that no injury was suffered by the complainant or her husband, and that is why on the same day both of them were discharged from the hospital.

10. Per contra, the learned State counsel has argued that in the present case the allegations against the appellants are for the commission of serious nature of offences, and that in view of bar enshrined under Section 18 of the SC & ST Act the appellants are not entitled for the benefit of bail. In addition to above, the learned State counsel has also contended that there are very specific and categorical allegations against the appellants and other members of the assailants party that unwanted word, derogatory in the name of the caste of the complainant, were uttered by them which amounts to commission of offence punishable under Section 3 of SC & ST Act.

11. The record has been perused carefully.

12. A perusal of record shows that in the present case the statement of complainant makes it abundantly clear that the complainant has levelled allegations against the appellants that they had used objectionable words naming the caste of the complainant only to indicate in insulting manner. As far as the above mentioned allegations are concerned in view of the fact that the specific words used by the appellants have not been reproduced by the complainant in her statement, it is not possible to draw an inference as to whether any word inviting the commission of offence punishable under Section 3 of SC & ST Act was used by the assailants/appellants or not. Thus,



the complaint with regard to invoking the provisions under Section 3 of the SC & ST Act is vague and inconclusive.

13. In addition to above, it is also relevant to mention here that in the above mentioned statement of complainant there is no averments that the objectionable words used by the appellants were in public view. Thus, in my opinion, there is a big question mark with regard to applicability of Section 3 of SC & ST Act in the present case.

14. In the present case, it is also pertinent to mention here that as per statement of complainant itself there was a dispute with regard to piece of land between the family of complainant and the accused which in itself creates a very strong doubt about the claim of the complainant with regard to commission of offence.

15. In a case having factual matrix akin to the facts and circumstances i.e. in the case of 'Deepak Kumar Tala v. State of Andhra Pradesh and Others 2025(2) RCR (Criminal) 440', the Hon'ble Supreme Court of India has observed that the essential ingredient for attracting Section 3(1)(r) and 3(1)(s) of the SC & ST Act is that such statement must be made within public view. This Court in the case of 'Jagtar Singh Vs. State of Punjab and another, CRA-S-2515-2025, decided on 21.08.2025', has observed that if allegations in FIR do not disclose essential ingredients required to constitute an offence under the Act the benefit of anticipatory bail can be granted. A similar question has been dealt with by this Court in the case of Rajpal Vs. State of Haryana, CRM-M-56013 of 2025 and in the above said case also on the grounds similar to the factual matrix of instant case, the benefit of anticipatory bail has been accorded

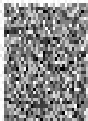


to the accused.

16. In the light of above mentioned principles of law if the facts and circumstances pertaining to the instant case are analysed it transpires that:-

- i) that the allegations with regard to use of objectionable words in the name of caste of the complainant are vague and inconclusive;
- ii) that there is no specific allegations that the above mentioned words were used in public view;
- iii) that there is a big question, to be determined in the present case, as to whether which of the two parties was trying to take over possession of the disputed piece of land;
- iv) that there is a big question with regard to credibility of claim of the complainant that she and her husband suffered injuries, as she sated that almost 20 persons had launched an attack upon 3-4 persons and in the above mentioned fighting only simple injury had been inflicted, which did not invite even a single day admission in hospital.

17. As an outcome of cumulative effect of all the above discussed factors, it is hereby held that the learned Special Judge while declining the benefit of anticipatory bail to the appellants has failed to properly appreciate the fact and circumstance related to the present case. Therefore, it is hereby held that there is need for indulgence and interference in the impugned verdict. Thus, finding merit in the present appeal the same is hereby allowed and the impugned order is hereby set aside. The appellants are hereby admitted to



anticipatory bail and it is ordered that in the event of their arrest, the appellants shall be released on interim bail on furnishing bonds to the satisfaction of Arresting/Investigating Officer. The appellants shall join the investigation as and when called by the Investigating Officer. They shall also abide by the conditions as specified under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

18. Pending miscellaneous application(s), if any, also stands disposed of.

(SURYA PARTAP SINGH)
JUDGE

23.01.2026
Manoj Bhutani

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