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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRA-S-3667-2025 (O&M)
Date of decision: 16.01.2026

Sahib Singh @ Gursahib Singh**...Appellant****Versus****State of Punjab and another****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present: Mr. Chetan Bansal, Advocate
for the appellants.

Ms. Sakshi Bakshi, AAG, Punjab.

None for respondent No. 2.

MANISHA BATRA, J. (Oral)

1. The present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (*for short 'the SC/ST Act'*) by the appellant challenging the order dated 12.11.2025 passed by the learned Additional Sessions Judge, Amritsar, whereby an application filed by them under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of anticipatory bail in case arising out of FIR No. 189 dated 15.08.2025, registered under Section 3(1)(r) of the SC/ST Act and Sections 125, 351(2) and 3(5) of Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') at Police Station Lopoke, Amritsar (Rural), had been dismissed.

2. As per the allegations, on 12.08.2025, the complainant Lakhwinder Singh along with his nephew Vishal and his friend Harpreet

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Singh was present in his house, when the present appellant made a phone call to Vishal Singh and started hurling abuses to him. The speaker of the phone was turned on. Harpreet Singh asked the appellant about the reasons for abusing Vishal Singh and feeling offended, he started abusing him too by saying that 'you are also a scheduled caste; he is also a scheduled caste; tell him this; you messed with the Jatt'. Thereafter also, he used words insulting Harpreet Singh as well as Vishal Singh in the name of their caste and extended threats to them. The co-accused were instigating the appellant to say so. The entire conversation was recorded. The complainant alleged that thereafter, the appellant opened fire in front of his house and had been speaking ill about his caste. As such, the complainant prayed for taking action in the matter. After registration of the FIR, investigation proceedings were initiated. Co-accused were extended benefit of bail. The appellant was arrested and is in custody since 18.08.2025. Investigation now stands completed. The appellant had moved an application for grant of regular bail, which had been dismissed by the Court of learned Additional Sessions Judge, Amritsar, vide impugned order dated 12.11.2025.

3. It is argued by learned counsel for the appellant that the impugned order is not sustainable in the eyes of law as while passing the same, learned Additional Sessions Judge, Amritsar did not consider the question that ingredients for commission of offence punishable under Section 3(1)(r) of the SC/ST Act were not at all attracted against him. He is in custody for a period over 04 months and 28 days. The ingredients for commission of subject offences are not attracted qua him. He is not required for further investigation.

No useful purpose would be served by keeping him in custody anymore. The

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trial will take considerable time to conclude. Co-accused have been granted concession of bail. On parity, he too deserves to be given the same benefit. While passing the impugned order, the learned trial Court did not take all these points into consideration. With these broad submissions, it is urged that the present appeal deserves to be accepted, the impugned order is liable to be set aside and the appellant deserve to be given benefit of regular bail.

4. Respondent No. 2 has been served but none has appeared on his behalf.

5. Learned State counsel, while placing on record the custody certificate of the appellant, has argued that keeping in view the nature of the allegations levelled against the appellant, he does not deserve to be released on bail. Hence, it is urged that the present appeal is liable to be dismissed.

6. This Court has heard the rival submissions.

7. The appellant is alleged to have used derogatory words against above named Vishal Singh and Harpreet Singh in the name of their caste by making a phone call to Vishal Singh. The appellant is in custody since 18.08.2025. Investigation has since been completed and challan has been filed. Conclusion of trial would obviously take considerable time. The appellant has clean antecedents. It is well settled that the bail is rule and jail is an exception. It is also well settled that the pre-trial incarceration should not be a replica of post-conviction sentencing and the sentence during trial should not be punitive. Keeping in view the aforesaid facts, this Court is of the considered opinion that the appellant deserves to be given benefit of regular bail. Accordingly, the present appeal is allowed. The impugned order is set aside.

The appellant is ordered to be released on regular bail, subject to his furnishing

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personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present appeal and the same shall not be construed as an expression of opinion on the merits of the case.

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Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No