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

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CRA-S-3686-2025

Date of decision: 19th January, 2026

Amritpal Singh

...Appellant

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Rishu Mahajan, Advocate for the appellant.

Mr. Roshandeep Singh, Assistant Advocate General, Punjab.

None for respondent No.2.

MANISHA BATRA, J (ORAL):-

The instant appeal has been filed by the appellant thereby challenging the order dated 03.11.2025, passed by the Court of learned Additional Sessions Judge, Jalandhar, in a case arising out of FIR No. 81 dated 04.09.2022 registered under Sections 294, 427, 506 read with Section 34 of IPC and Section 3(1)(iii) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') and later on Section 3(1)(r) and 3(1)(s) of SC/ST Act at Police Station Nurmahal, Jalandhar (Rural), whereby an application for grant of anticipatory bail had been dismissed.

2. Brief facts relevant for the purpose of disposal of this appeal are that the aforementioned FIR was initially registered under Sections 294, 427,

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506 read with Section 34 of the IPC and Sections 3(1)(iii) of the SC/ST Act, on the basis of a statement got recorded by the complainant-Lovepreet Singh on 04.09.2022, alleging that on the evening of 03.09.2022, the appellant, along with the co-accused, had come in front of his house while being armed with weapons and had hurled abuses at him in the name of his caste and had threatened to kill him. He mentioned the abusive language allegedly uttered by the appellant and the co-accused and also alleged that they had damaged the main gate of the house of his neighbour-Mahender Pal, and had been extending threats to him.

3. After registration of the FIR, investigation proceedings were initiated. Apprehending his arrest, the appellant moved an application before the Sessions Court, which was dismissed, and thereafter, he along with the co-accused filed an appeal bearing CRA-S-1930 of 2022 before this Court, which was allowed vide order dated 17.07.2023.

4. As emanated from the record, subsequently during the course of investigation, offence under Sections 3(1)(iii) of the SC/ST Act was deleted and offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act and Section 201 of IPC were added vide DDR No. 30 dated 19.12.2023. Apprehending his arrest on inclusion of these offences, the appellant moved an application for grant of anticipatory bail, which has been dismissed by the Court of learned Additional Sessions Judge, Jalandhar, vide order dated 03.11.2025, by observing that the bar under Section 18 of the SC/ST Act was attracted.

5. It is argued by learned counsel for the appellant that the impugned order is not sustainable in the eyes of law, as previously he had

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joined investigation of the case and had been extended the benefit of anticipatory bail. Merely on account of addition of other provisions of the SC/ST Act, he could not be denied the benefit of bail. His custodial interrogation is neither required, nor is any recovery to be effected from him, nor is he required to be joined in the investigation, since the challan has already been presented. It is, thus, argued that while dismissing his bail application, the learned Additional Sessions Judge did not take into consideration these facts, and therefore, the impugned order is liable to be set aside, the appeal deserves to be allowed, and he deserves to be extended the benefit of pre-arrest bail in the newly included sections.

6. Respondent No. 2-complainant was duly served with notice, but none appeared on his behalf.

7. Written response has been filed by respondent No. 1-State. It is argued by the State that the bail application of the appellant has been rightly dismissed and it is, thus, urged that the appeal does not deserve to be allowed.

8. This Court has heard learned counsel for the parties at considerable length.

9. It is evident that the appellant, vide order dated 29.11.2022 passed by a Coordinate Bench of this Court, had already been extended the benefit of anticipatory bail on the same allegations which have been levelled in the FIR by observing that there were general allegations against the appellants and that it was debatable issue as to whether the provisions of the SC/ST Act were attracted. The said interim order was made absolute on 17.07.2023. On the same allegations, now Section 3(1)(iii) has been deleted

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and offences under Sections 3(1)(r) and 3(1)(s) of the SC/ST Act have been added. On perusal of the contents of the FIR, it is apparent that the allegations were levelled against all the accused including the appellant and there was no specific allegation that the caste related words/abuses were used by the appellant. This court had already observed vide order dated 17.07.2023 that it was debatable whether the provisions of the SC/ST Act were attracted, and the same position continues to exist at this stage. The learned trial Court, while passing the impugned order dated 03.11.2025, failed to consider this aspect. In view of the above discussion, this Court is of the considered opinion that the appeal deserves to be allowed. Accordingly, the same is allowed, the impugned order is set aside, and the appellant is ordered to be admitted to bail, subject to his furnishing personal and surety bonds to the satisfaction of the trial Court.

10. 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.

11. Since the main appeal has already been decided, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

19th January, 2026

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No