

CRA-S-3754-2025
Reserved on:-26.02.2026
Pronounced on:-27.02.2026
Uploaded on:-

Whether only operative part of the judgment is Pronounced or the full judgment is pronounced:	operative part/full judgment
1. <i>Where the operative part of the judgment is pronounced, the full judgment is pronounced.</i> 2. <i>Where the full judgment is pronounced, the operative part is pronounced.</i>	

SURINDER PAL SINGH AND ANOTHER **...Appellants**

Versus

STATE OF PUNJAB AND ANR. **...Respondents**

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Aditya Dassaur, Advocate
for the appellants.

Mr. H.S. Wadhwa, DAG, Punjab.

Mr. Vinay Kumar Begra, Advocate
for respondent No.2-Complainant.

* * * * *

MANDEEP PANNU, J.

1. The present appeal has been filed under Section 14A(2) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, read with Section 374(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023, assailing the order dated 01.10.2025 passed by the learned Additional Sessions Judge, Jalandhar, in the bail application, whereby the prayer of the appellants for grant of bail has been declined.

2. As per the prosecution case, a statement was made by Sumitri Devi, wife of late Surinder Pal, resident of village Jaitewali, Police Station Patara, District Jalandhar, aged about 52 years, who is the Sarpanch of Gram Panchayat, village Jaitewali, and a committee member of Satguru Ravidas



Public School, village Jaitewali. On 17.09.2025 at about 9:30 a.m., she received a call from Hardeep Kaur, wife of Harpreet Kumar, Principal of Satguru Ravidas Public School, informing her that Surinder Pal Singh, son of Karam Singh, and Satpal Singh alias Pala, former Panch, along with some other persons, had forcibly entered the school premises during school hours with tractor trolleys and had started digging the foundation inside the school premises. About 500 children were stated to be studying in the school at that time. She thereafter proceeded towards the school where members of the school management committee, namely Kamaljit Khothra (Secretary), Tilak Raj (Member), Surjit Kaur, Kamlesh Rani (Vice Chairman), Kewal Krishna Sandhu and Manjit Kaur were present. During discussions regarding the land dispute, Surinder Pal Singh and Satpal Singh allegedly entered into a heated argument and made remarks concerning Sant Krishna Nath Ji. It is alleged that they used caste-based expressions, including referring to him as “Chamaran’s Baba” and stating, “We know what this Chamaran’s Baba goes out to do.” It has further been alleged that they uttered the words, “Look, how the Chamarans have come,” in reference to members of the Scheduled Caste community present there, thereby hurting the religious and social sentiments of the Ravidasia Samaj.

3. Further allegations stated that on 19.09.2025, when Sumitri Devi was proceeding to Police Station Patara along with women of the village to get her statement recorded, Satpal Singh alias Pala, who was standing near Kulli Darbar, village Jaitewali, again used abusive caste-related expressions against them.



4. The applicants contend that Appellant No.1 is a Non-Resident Indian and a British citizen who has been permanently settled in Birmingham, United Kingdom since 1981 and is the owner of ancestral agricultural land measuring 71 Kanal 01 Marla comprised in Khewat No. 226/218, Khatauni No. 242 situated in Village Jaitewali, Tehsil and District Jalandhar. The disputed land includes the Samadh of Sant Baba Rikhi Ram Ji, who was the spiritual Guru of Appellant No.1, and the said land has immense religious and spiritual significance for the applicants and their family. It is asserted that during the absence of Appellant No.1 from India, Krishan Nath allegedly encroached upon a portion of the suit land measuring 05 Kanal 14 Marlas and illegally raised construction including Satguru Ravidas Public School.

5. The applicants further submit that upon visiting India in September 2025, Appellant No.1 discovered the alleged illegal encroachment and construction and made representations to the Gram Panchayat and Police Station Patara seeking removal of the encroachment and restoration of possession, but no action was taken. Consequently, a civil suit bearing No. CS-2628-2025 was filed before the Civil Judge (Senior Division), NRI Court, Jalandhar on 19.09.2025 seeking possession, permanent injunction and protection of the Samadh. An ad-interim injunction/status quo order dated 24.09.2025 was passed restraining both parties from disturbing the existing position at the spot.

6. It is contended that in order to defeat the said civil proceedings and to grab the land, the complainant, in conspiracy with Krishan Nath and others, lodged a false and fabricated complaint dated 19.09.2025, on the



basis of which FIR No. 72 dated 19.09.2025 under Section 302 of the Bharatiya Nyaya Sanhita, 2023 and Section 3(1) of the SC/ST Act was registered at Police Station Patara, District Jalandhar Rural. The applicants emphasize that the alleged occurrence is stated to have taken place on 17.09.2025 between 09:30 to 10:00 hours, whereas the FIR was registered on 19.09.2025 at 20:25 hours after an unexplained delay of more than two days. The civil suit having been filed prior to the registration of the FIR demonstrates, according to the applicants, that the criminal proceedings are a counterblast to the civil action.

7. The applicants also contend that the essential ingredients of Section 3(1) of the SC/ST Act are not satisfied in the present case. According to them, there was no intentional insult or intimidation with intent to humiliate any member of the Scheduled Caste community in public view. The alleged words, even as per the FIR, were stated in the context of a land dispute and during a private conversation regarding ownership of ancestral property. It is further argued that mere use of abusive language without specific intent to humiliate a person on account of caste does not attract the provisions of the SC/ST Act.

8. It is further submitted that after registration of the FIR, Appellant No.1 was coerced and threatened and compelled to sign a so-called compromise deed dated 05.10.2025 at Dera Sant Baba Phool Nath Ji, Sant Brahm Nath Ji and Nanak Nagri, Chehru, in the presence of Sant Krishan Nath Ji. The said compromise is stated to have been obtained under duress, coercion and threat of arrest and continued prosecution under the



SC/ST Act, and is alleged to be one-sided, unfair, voidable and unenforceable.

9. The applicants maintain that they are law-abiding citizens, are not involved in any other criminal case, and have never been declared proclaimed offenders in any case. The rejection of their anticipatory bail application by the learned Additional Sessions Judge, Jalandhar vide order dated 01.10.2025 is stated to be erroneous and contrary to law, as a *prima facie* case under Section 3(1) of the SC/ST Act is not made out and the bar under Section 18 of the Act would not apply in the absence of such *prima facie* material. On these grounds, the applicants seek setting aside of the impugned order and grant of pre-arrest bail.

10. Learned counsel for the petitioners has placed reliance upon the judgment of the Hon'ble Supreme Court in ***Pravinbhai Bhakthibhai Patel & Ors. vs. State of Gujarat & Anr., Criminal Appeal No. 1075 of 2025 (arising out of SLP (Crl.) No. 18378 of 2024), decided on 24.02.2025.*** In the said judgment, the Hon'ble Supreme Court has held that where the dispute between the parties primarily pertains to civil rights over property and is already the subject matter of a civil suit, continuation of criminal proceedings would amount to travesty of justice. It was further observed that although mere pendency of a civil suit does not bar initiation of criminal proceedings, yet where the complaint appears to have been filed as a counterblast to the civil proceedings, it would amount to an abuse of the process of law. On those principles, the Hon'ble Supreme Court quashed the FIR and the consequential criminal proceedings, holding that the matter was



essentially civil in nature and that allowing the prosecution to continue would be unjust.

11. Learned State counsel, assisted by learned counsel for respondent No.2/complainant, has vehemently opposed the prayer for grant of anticipatory bail and submitted that a bare reading of the FIR clearly discloses the commission of offences under Section 3(1) of the SC/ST Act. It is contended that the allegations are specific and categorical to the effect that the petitioners, in the premises of Satguru Ravidas Public School and in the presence of members of the management committee and other persons, used caste-indicative and derogatory expressions against Sant Krishna Nath Ji and members of the Scheduled Caste community, including the words “Chamaran’s Baba”, “We know what this Chamaran’s Baba goes out to do” and “Look, how the Chamarans have come.” It is further submitted that the incident took place during school hours when about 500 children were present and members of the public had gathered, thereby satisfying the ingredient of “public view” as required under the statute. It is argued that the allegations are grave in nature, custodial interrogation may be required, and in view of the bar contained under Section 18 of the SC/ST Act, the present appeal is not maintainable once a *prima facie* case is made out.

12. Upon consideration of the rival submissions and perusal of the FIR, this Court finds that specific role has been attributed to the petitioners. The complainant has categorically alleged that during the dispute at the school premises, the petitioners intentionally uttered caste-based remarks in the presence of members of the management committee and other villagers, including the expression “Look, how the Chamarans have come,” and made



further derogatory references to “Chamaran’s Baba,” thereby humiliating members of the Scheduled Caste community in public view. At this stage, the Court is not required to conduct a meticulous appreciation of evidence; however, the averments in the FIR, if taken at face value, *prima facie* attract the provisions of Section 3(1) of the SC/ST Act.

13. The contention of the petitioners that the present FIR is a counterblast to the civil suit filed by them has also been considered. There is no quarrel with the proposition laid down by the Hon’ble Supreme Court that where a criminal complaint is filed purely as a counterblast to a civil proceeding, it may amount to abuse of the process of law. However, in the present case, merely because a civil suit was filed or is pending between the parties does not *ipso facto* lead to the conclusion that the FIR is a counterblast. Rather, it *prima facie* indicates that disputes were already existing between the parties, and the alleged occurrence is stated to have taken place in that backdrop. The existence of a civil dispute does not grant immunity from criminal liability if the ingredients of a penal offence are otherwise disclosed. The judgment relied upon by the petitioners, *Pravinbhai Bhakthibhai Patel & Ors. v. State of Gujarat & Anr., Criminal Appeal No. 1075 of 2025 (arising out of SLP (Crl.) No. 18378 of 2024), decided on 24.02.2025* is, therefore, distinguishable on facts and is of no assistance to them at this stage.

14. The plea that the essential ingredients of the offence are not made out, that the alleged conversation was private, and that the compromise deed was obtained under coercion, are all matters which require evidence and can be adjudicated upon during the course of trial. At the stage of



consideration of anticipatory bail, this Court is only required to see whether a *prima facie* case is disclosed. In view of the specific allegations in the FIR and the statutory bar under Section 18 of the SC/ST Act, this Court does not find any ground to interfere with the order passed by the learned Additional Sessions Judge.

15. Consequently, finding no merit in the present appeal, the same is hereby dismissed.

26.02.2026
Anu

(MANDEEP PANNU)
JUDGE

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