



CRA-S-245-2025

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

Sr. No.146

CRA-S-245-2026

Date of Decision: 09.03.2026

RAM KISHAN

...Appellant

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present:- Mr. Lupil Gupta, Mr. Apurv Kamboj and
Mr. Jashandeep Singh, Advocates
for the appellant.

Mr. Hardeep Hans, AAG, Punjab.

Mr. Vikram Singh, Ms. Arushi Lamba Brar and Mr. Vishavjeet
S. Beniwal, Advocates for respondents No. 2 and 3.

MANDEEP PANNU, J. (Oral)

1. The present criminal appeal has been filed by Ram Kishan, appellant/complainant, challenging the order dated 16th October 2025, vide which the learned Additional Sessions Judge, Bathinda has made absolute the bail order dated 8th October 2025 and has granted anticipatory bail to respondents No. 2 and 3, namely Sukhbir Singh and Sukraj Singh.

2. The facts of the case, as emerging from the FIR are that the proceedings originated from Application No. 650517 dated 28.08.2025 submitted by complainant Ram Krishan to the authorities, which was forwarded through official channels including the National Commission for Scheduled Castes and the office of the Senior Superintendent of Police,



Bathinda, regarding alleged illegal occupation of his house. In the application, it was alleged that respondents Sukhbir Singh and Sukhraj Singh had illegally occupied his house, had not paid any rent or utility bills, and had damaged the property and removed his name plate. It was further alleged that they had acted with the intention of permanently usurping the property, despite knowing that the house belonged to a person belonging to a Scheduled Caste, and that they were residing there along with their family. The complainant also stated that earlier a written compromise dated 06.01.2025 had been effected but the occupants failed to comply with its terms, and despite seeking three months' time to vacate the house, they neither vacated it even after about seven months nor cleared any dues. The application was thereafter taken up by the police authorities and forwarded by the Senior Superintendent of Police, Bathinda to DSP City-2, Bathinda for investigation. Thereafter, the matter was examined on the basis of the earlier inquiry report submitted by the investigating officer, which had been forwarded for legal opinion to DDA Legal, Bathinda. The Deputy District Attorney, vide office letter dated 16.04.2025, opined that since the dispute was under consideration before the Rent Controller, no action was required on the part of the local police and the application be filed, leaving it open to the applicant to approach the competent authority. The said opinion was examined in office on 18.04.2025.

3. Subsequently, copies of the first investigation report along with the legal opinion were forwarded with a request to obtain fresh legal opinion so that the matter could be reconsidered on the basis of facts and a proper



report could be submitted to the National Commission for Scheduled Castes. The Deputy Superintendent of Police, City Bathinda, who had conducted the inquiry, submitted the report accordingly. Upon perusal thereof, the Senior Superintendent of Police, Bathinda directed the SP-D to examine the matter and furnish comments, pursuant to which a further investigation report dated 26.09.2025 was prepared. In the said report, reference was made to the complaint filed by Ram Krishan before the National Commission for Scheduled Castes alleging forcible occupation of his house and related acts against Sukhbir Singh and Sukhraj Singh, and the matter was processed for further action. Thereafter, during investigation conducted by DSP City-2, Bathinda, statements of the parties were recorded and it was noted that the respondents Sukhbir Singh and Sukhraj Singh were alleged to have occupied the house knowing that the complainant belonged to a Scheduled Caste and were stated to be residing there without any agreement. It was also recorded that, as per the statements considered during inquiry, the complainant Ram Krishan had earlier rented out the said house situated in Narwana Estate, Bathinda to the respondents on 02.10.2023 and had retained one room on the second floor for himself. It was further observed that rent fixed between the parties was paid only twice in installments and thereafter payment of rent was stopped. When the complainant asked them to vacate the premises, they allegedly refused, whereupon he instituted proceedings before the Rent Controller.

4. The report further recorded allegations that when the complainant visited the house, he was not allowed to enter by the



respondents, who also removed the name plate bearing his name from the gate and installed cameras in the house without his consent. It was also alleged that in the presence of Harpreet Singh, they used caste-based language against the complainant and threatened him. On the basis of these allegations, the inquiry officer opined that the acts attributed to Sukhbir Singh and Sukhraj Singh *prima facie* satisfied the ingredients of offences under Sections 3(1)(g), (r) and (s) of the SC & ST Act and Section 351(3) of the BNS, and recommended that a case be registered and investigated. Acting on the said report, the Senior Superintendent of Police, Bathinda directed the SHO, Police Station Civil Lines, Bathinda to proceed in accordance with law, and consequently a criminal case was registered against the aforesaid accused persons and investigation was set in motion. Thereafter, the present petitioners/accused Sukhbir Singh and Sukhraj Singh moved an application seeking anticipatory bail in the aforesaid FIR. The learned counsel for the applicants contended that they were innocent and that the FIR did not contain any specific allegation attracting the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It was further submitted that the FIR had been registered only after the complainant approached the National Commission for Scheduled Castes and that even on a bare reading of the complaint, no derogatory words against the caste of the complainant had been alleged. On the other hand, the learned Additional Public Prosecutor assisted by counsel for the complainant opposed the application and argued that specific allegations had been



levelled and that there existed a statutory bar under Section 18 of the Act against the grant of anticipatory bail.

5. Vide order dated 08.10.2025, the learned Additional Sessions Judge, Bathinda granted interim anticipatory bail to the applicants. While doing so, the Court, upon *prima facie* consideration of the record and the allegations contained in the complaint and FIR, observed that no specific allegation regarding use of caste-based derogatory language against the complainant was made out and, therefore, a *prima facie* offence under the SC & ST Act did not appear to be established at that stage. The Court further noted that where the ingredients of an offence under the Act are not disclosed on the face of the record, the statutory bar contained in Section 18 would not operate. Holding the case to be fit for grant of interim protection, the Court directed that the applicants join the investigation and ordered that in the event of their joining investigation, they shall be released on bail on furnishing bail bonds to the satisfaction of the Investigating Officer, subject to conditions as envisaged under Section 482(2) of the BNSS. Vide impugned order dated 16.10.2025, the learned Additional Sessions Judge, Bathinda allowed the application filed by the accused and made the interim anticipatory bail granted earlier absolute. While doing so, the Court observed that as per the record, the first complaint filed by the complainant in December 2024 did not contain any allegation that the present applicants had used caste-based derogatory language against him. The Court further noticed that although subsequent statements alleged use of such words, neither the complainant nor witness Harpreet Singh had disclosed the date,



month or year of the alleged utterances, and that the statements of other witnesses recorded later introduced such allegations for the first time. It was also noted that the relationship of landlord and tenant between the parties was admitted and eviction proceedings were already pending before the Rent Controller, and therefore the dispute appeared to be essentially civil in nature at that stage.

6. The Court further recorded that the statements relied upon by the prosecution were vague regarding time and particulars of the alleged caste-based remarks and lacked specific details. In these circumstances, without commenting on the merits of the case, the Court held that no ground was made out to deny the concession of anticipatory bail and consequently ordered that the interim order dated 08.10.2025 be made absolute, subject to the conditions earlier imposed, while clarifying that the observations were only for the purpose of deciding the bail application.

7. Feeling aggrieved by the impugned order dated 16.10.2025 passed by the learned Additional Sessions Judge, Bathinda, whereby the interim anticipatory bail granted to respondents No.2 and 3 was made absolute, the present appeal has been preferred by the complainant/appellant Ram Kishan. Learned counsel for the appellant has contended that the learned trial Court failed to appreciate that Inspector Harjot Singh, while appearing before it, had specifically stated that during investigation it had come to light from the statements of witnesses that respondents No.2 and 3 had used derogatory remarks against the caste of the appellant, and thus *prima facie* offences under the provisions of the SC/ST Act were clearly



attracted; however, this vital aspect was ignored by the Court while granting relief. It has further been argued that the statements of the complainant and witness Harpreet Singh recorded on 23.09.2025 disclosed that when they visited the accused to ask them to vacate the premises or pay rent, caste-based abusive words were used against the appellant, and subsequent statements of witnesses Sohan Lal, Pushpinderpal Singh and Buta Singh recorded on 15.10.2025 also supported the allegation by specifying that such words were used in September 2025. According to learned counsel, the trial Court erred in discarding these statements as vague merely because the exact date was not mentioned, despite corroborative material on record and despite the FIR itself disclosing allegations of caste-based abuse. It has additionally been submitted that the learned trial Court overlooked the statutory bar contained in Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against grant of anticipatory bail where a *prima facie* offence is made out, and therefore the order granting such relief is contrary to settled law. In support of his submissions, reliance has been placed upon the judgment of the Hon'ble Supreme Court in ***Kiran vs. Rajkumar Jivraj Jain (SLP (Crl.) No. 8169 of 2025)***, wherein it has been held that although Section 18 creates a bar against anticipatory bail in cases involving offences under the SC/ST Act, the Court must examine the FIR and allegations to determine whether a *prima facie* offence is disclosed; if such accusations exist, the bar would operate and anticipatory bail ought not to be granted. It is thus contended that in the present case, since the allegations and witness statements *prima facie* disclose commission of



offences under the Act, the impugned order is illegal and liable to be set aside.

8. Notice of motion was issued in the present appeal. In response thereto, the learned State counsel appeared and advanced arguments broadly on the same lines as those addressed by learned counsel for the complainant/appellant, supporting the challenge to the impugned order.

9. Per-contra, learned counsel for respondents No. 2 and 3/accused on the other hand has argued that there is no illegality in the impugned order. Learned Court below has rightly held that the ingredients of Section 3(1)(g), 3(1)(r) and 3(1)(s) are not made out.

10. After hearing learned counsel for the appellant, as well as learned State counsel and learned counsel for respondents No. 2 and 3, and upon careful perusal of the record, this Court is of the considered opinion that no illegality, perversity or jurisdictional error can be said to have been committed by the learned Additional Sessions Judge while passing the impugned order making the interim anticipatory bail absolute.

11. At the outset, it is necessary to note that the scope of interference by an appellate court against an order granting anticipatory bail is limited, particularly when such order is based on appreciation of record and *prima facie* assessment of allegations. The material placed on record reveals that the dispute between the parties primarily arises out of a landlord–tenant relationship, which is not disputed. The record further shows that the complainant/appellant himself had rented out the house to respondents No.2 and 3 pursuant to a rent agreement executed on



02.10.2023 for a specified period. It is also borne out from the record that eviction proceedings are already pending before the Rent Controller. Thus, the genesis of the dispute is essentially civil in nature relating to possession and tenancy, and the criminal proceedings appear to have been initiated in the backdrop of that civil dispute. The learned trial Court has taken note of this foundational circumstance and rightly treated it as a relevant factor while assessing the existence of a *prima facie* case.

12. A perusal of the record further shows that the first complaint admittedly filed by the complainant in December 2024 did not contain any allegation that the accused had used caste-based derogatory words against him. The allegation regarding use of such words surfaced only in subsequent statements recorded during inquiry. Even in those later statements, neither the complainant nor the witness Harpreet Singh disclosed the specific date, month or year when such words were allegedly uttered. The statements of other witnesses, namely Sohan Lal, Pushpinderpal Singh and Buta Singh, recorded subsequently, also introduced such allegations without giving precise particulars of time or circumstances. The learned Additional Sessions Judge has carefully evaluated this aspect and found that the allegations were vague and lacking material particulars. This Court finds no fault in such appreciation, because for attracting the provisions of Sections 3(1)(r) and 3(1)(s) of the SC/ST Act, the allegation must *prima facie* disclose intentional insult or abuse by caste name in a place within public view. In the absence of clear particulars regarding the occurrence, the context, and the public nature



of the alleged utterances, the essential ingredients of the offence cannot be said to be disclosed on the face of the record.

13. Likewise, the allegation relating to wrongful dispossession under Section 3(1)(g) of the Act also does not *prima facie* stand established. The admitted position that the complainant had voluntarily given the premises on rent to the accused pursuant to a rent arrangement and that eviction proceedings are pending before the competent civil forum *prima facie* negates the element of wrongful dispossession contemplated under the said provision. Whether the accused/respondents No.2 and 3 have overstayed after expiry of tenancy or failed to pay rent is essentially a matter to be adjudicated by the Rent Controller or civil court and does not, by itself, constitute an offence under the special statute unless accompanied by the specific statutory ingredients, which are not clearly disclosed here. The learned trial Court was therefore justified in observing that, at this stage, the dispute appears predominantly civil and that the penal provisions of the special enactment are not attracted *prima facie*.

14. This Court also finds that the learned Additional Sessions Judge correctly applied the settled principle that although Section 18 of the SC/ST Act creates a bar against grant of anticipatory bail, such bar operates only when the allegations in the complaint or FIR disclose, on their face, the commission of an offence under the Act. Where the Court, upon *prima facie* examination, finds that the essential ingredients of the alleged offence are not made out, the statutory bar would not apply. The learned trial Court has precisely undertaken such *prima facie* scrutiny and recorded reasons for its



conclusion. The reasoning cannot be said to be arbitrary or perverse so as to warrant interference.

15. As regards the judgment relied upon by learned counsel for the appellant, namely ***Kiran vs. Rajkumar Jivraj Jain*** (Supra) the same is clearly distinguishable on facts. In the said decision, the Hon'ble Supreme Court reiterated that anticipatory bail is barred where the accusations specifically disclose commission of an offence under the SC/ST Act. The ratio of that judgment presupposes the existence of clear and specific allegations constituting the offence. In the present case, however, the learned trial Court has recorded a categorical *prima facie* finding that the allegations regarding caste-based abuse are vague, lacking particulars, and absent from the earliest complaint, and that the dispute substantially arises from a tenancy. Therefore, the foundational factual requirement for applying the principle laid down in the aforesaid judgment is itself not satisfied. Consequently, the reliance placed upon that authority is misplaced and does not advance the case of the appellant.

16. It is well settled that at the stage of consideration of anticipatory bail, the Court is not required to conduct a meticulous examination of evidence but only to see whether the allegations, taken at face value, disclose the ingredients of the alleged offences. In the present case, the learned Additional Sessions Judge has undertaken precisely such an exercise and has given cogent reasons for concluding that no *prima facie* case under the special statute is made out so as to attract the statutory bar. The order reflects due application of mind, consideration of relevant factors, and



adherence to settled legal principles. No material has been shown before this Court to demonstrate that the discretion exercised by the learned Court below was either arbitrary, capricious or contrary to law.

17. Accordingly, this Court finds no merit in the present appeal. The impugned order dated 16.10.2025 passed by the learned Additional Sessions Judge, Bathinda does not suffer from any illegality or infirmity warranting interference, and the same deserves to be upheld.

18. However, nothing observed herein shall be construed as an expression of opinion on the merits of the case.

19. All pending applications, if any, also stand disposed of.

09.03.2026
Anu

(MANDEEP PANNU)
JUDGE

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