

2026.PHHC.044547



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-4080-2025

Rajan

...Appellant

Versus

State of Punjab and another

...Respondents

Sr. No.	Particulars	Details
1	The date when the judgment is reserved	19.03.2026
2	The date when the judgment is pronounced	20.03.2026
3	The date when the judgment is uploaded on the website	20.03.2026
4	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Piyush Sharma, Advocate for the appellant.

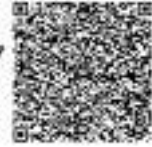
Ms. Ruchika Sabherwal, Sr. Deputy Advocate General, Punjab.

Mr. Hasrat Brar, Advocate for respondent No.2.

MANISHA BATRA, J :-

The instant appeal has been filed under Section 14-A of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short ‘SC/ST Act’) by the appellant challenging the order dated 27.11.2025, whereby the prayer made by him for grant of anticipatory bail in case arising out of FIR No. 161 dated 28.10.2025 registered under Sections 115(2), 351(2), 191(3) and 190 of Bharatiya Nyaya Sanhita, 2023 (for short

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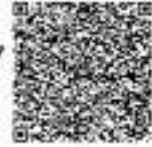


‘BNS’) (Sections 3(1)(r) and 3(1)(s) of SC/ST Act added later on) at Police Station Kulgarhi, District Ferozepur, had been declined by the Court of learned Additional Sessions Judge, Ferozepur.

2. Brief fact relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of statement recorded by the respondent No.2-complainant alleging that on the evening of 26.10.2025, he was standing outside his house when the appellant accompanied by the co-accused reached there in a Honda city car. All of them alighted from the car. Some brickbats and stones were kept by his neighbourers in the street. While moving those bricks and stones on a side, the appellant and others started hurling abuses. The complainant told them to not to do so and then they started having an altercation with him and hurled abuses to him as well. The accused Happy struck a blow with a stone on his shoulder. Accused Dev gave him a fist blow. The appellant and co-accused Tanu threw stones thereby injuring his abdomen and head. They threw him on the ground and started giving fist blows and kicks. His neighbourer Harjinder Kaur rushed for his rescue, but the appellant gave a blow with brickbats to her which hit on her right leg. On hearing clamour, other persons reached at the spot and then the assailants fled away while extending threats to the complainant and also by using caste based remarks. The complainant was got admitted in the hospital.

3. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the appellant moved an

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application for grant of anticipatory bail which was dismissed by the Court of learned Additional Sessions Judge, Ferozepur vide order dated 27.11.2025.

4. 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, the fact that the ingredients for commission of offences punishable under Sections 3(1)(r) and 3(1)(s) of SC/ST Act were not attracted at all against the appellant had not been taken into consideration at all. Neither it was alleged in the FIR that the appellant knew that the complainant belonged to scheduled caste was mentioned nor there is any material on record to show that the appellant was aware of this fact. The only role assigned to him is of throwing a stone thereby causing injury on the abdomen of the respondent No.2. The said injury has been opined to be simple in nature. No other role has been ascribed to the appellant. All other offences are triable by Magistrate and are bailable in nature. It is argued that there was no material on record to show that the appellant had used any language with intention to humiliate the respondent No.2 in public view and also while knowing that he belonged to scheduled caste community. It is, also, argued that the ingredients of Section 18 of the SC/ST Act are not attracted at all. It is further submitted that the appellant is ready to join the investigation. His custodial interrogation is not required. No recovery is to be effected from him. It is, thus, argued that the appeal deserves to be allowed, the impugned order is liable to be set aside and he deserves to be extended the benefit of anticipatory bail.

5. *Per contra*, learned State counsel assisted by learned counsel for

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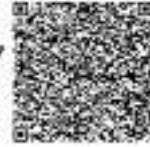


respondent No.2, while relying upon the written response has argued that there are serious and specific allegations against the appellant. He was named in the FIR and specific act had been attributed to him. The appellant along with other accused had used filthy and derogatory language by hurling abuses to respondent No.2 against the name of his caste. The bar under Section 18 is certainly attracted in this case. It is, therefore, argued that there is no illegality or infirmity in the impugned order and hence, it is stressed that no ground for allowing the appeal is made out.

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

7. In ***Dr. Subhash Kashinath Mahajan v. State of Maharashtra and Another (2018) 6 SCC 454***, it was observed by Hon'ble Supreme Court that anticipatory bail could be granted if a prima facie case of commission of an offence under the SC/ST Act is not made out or if it can be shown that the allegations were false. In ***Shajan Skaria v. State of Kerala and another, 2024 SCC OnLine SC 2249***, it was observed by Hon'ble Supreme Court that a duty is cast upon the Court to determine *prima facie* existence with a view to ensure that no unnecessary humiliation is caused to the accused. The Courts should not shy away from conducting a preliminary inquiry to determine if the narration of facts in the complaint/FIR in fact discloses the essential ingredients required to constitute an offence under the SC/ST Act. It was further observed that if the accusation does not disclose the necessary ingredients of the offence on a prima facie reading, it cannot be said to be

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sufficient to bring into operation the bar envisaged by Section 18 of the SC/ST Act and holding otherwise would mean that even a plain accusation, devoid of the essential ingredients required for constituting the offence, would be enough for invoking the bar under Section 18 of the said Act. On applying the above discussed position of law to the facts peculiar to this case, it is observed that as per the allegations, the appellant formed an unlawful assembly with the co-accused and assaulted the respondent No.2 by throwing a stone thereby causing simple injury on his abdomen. He has been booked for commission of offences punishable under Sections 3(1)(r) and 3(1)(s) of SC/ST Act as well on the allegations that he along with the co-accused had hurled abuses to respondent No.2. The complainant is stated to be belonging to schedule caste community. As per the allegations, the appellant and the co-accused had hurled abuses to him while assaulting him on the fateful day, thereby intentionally insulting and intimidating him with intent to humiliate him within public view. On a perusal of the contents of FIR, it is revealed that only vague and general allegations have been levelled. There is no specificity as to what exact words were used by the appellant or others which amounted to commission of offences punishable under Sections 3(1)(r) and 3(1)(s) of SC/ST Act. As such, it is a matter of trial as to whether, any case for commission of offence punishable under Sections 3(1)(r) and 3(1)(s) of SC/ST Act can be stated to have been made out thereby attracting the bar under Section 18 of the SC/ST Act.

8. The appellant is ready to join the investigation. His custodial

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interrogation is not required. No recovery is to be effected from him. Accordingly, the appeal is allowed. The impugned order is set aside and the appellant is granted concession of anticipatory bail, subject to the conditions envisaged under Section 482 (2) of BNSS. This order shall also be subject to the following conditions:-

- (i) The appellant shall appear before the Investigating Officer within a period of 10 days from today and cooperate with the investigation and shall appear before the Investigating Officer as and when required.
- (ii) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) He shall not commit any similar offence while on bail.

9. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

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.

[MANISHA BATRA]
JUDGE

20th March, 2026

Parveen Sharma

- 1. Whether speaking/ reasoned
- 2. Whether reportable

: Yes / No
: Yes / No