



CRA-S-1759-2023

101-A **IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CRA-S-1759-2023  
Date of Decision: 12.08.2025

Narinder Singh ...Appellant

Versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lalit Pathak, Advocate  
for the appellant.

Mr. Akshay Kumar, A.A.G., Punjab.

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ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
107	02.06.2023	Mandi Gobindgarh, District Fatehgarh Sahib	365, 342, 323, 506, 120-B IPC, 67 of IT (Amendment) Act (Section 3 of SC&ST (Prevention of Atrocities) Act added later on)

1. Aggrieved by the dismissal of their bail under section 438 CrPC, the accused has come up before this court by filing an appeal under section 14-A of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, (SCSTPOA), seeking anticipatory bail.

2. Per paragraph 9 of the short reply, the appellant has the following criminal antecedents:

Sr. No.	FIR No.	Dated	Offences	Police Station
1.	19	11.02.2012	21/61/85 of NDPS Act	GRP Sirhind
2.	17	06.03.2014	22/61/85 of NDPS Act	Amloh
3.	24	11.03.2016	302/34 IPC	Amloh
4.	151	16.06.2016	22/61/85 of NDPS Act	Amloh
5.	112	04.07.2022	21/61/85 of NDPS Act	Amloh
6.	268	20.09.2020	21/61/85 of NDPS Act	Mandi Gobindgarh
7.	10	26.01.2010	341, 323, 324, 447, 511, 148, 149, 506 IPC	Amloh



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3. Vide order dated 14.07.2023, the appellant was granted interim protection and the said order is continuing till date.

4. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

*“Statement of Komalpreet Kaur d/o Avtar Singh resident of Village Kumbra, P.S. Mandi Gobindgarh, Distt. Fatehgarh Sahib age about 23 years Mob. No. 77197-20172. Stated that I am resident of above mentioned address and I have one younger brother Mehak Singh aged about 20 years. My mother Amar Kaur was Anganwari worker who expired in the year 2017 due to illness and I got her service and now I work in school in my village. My father Avtar Singh works as property dealer and who left home three months earlier after telling us that some case has been registered against him having some dispute of property and I will return home of my own and he after stay away from home due to property deals and returns home after some day but now he has not returned home for the last 3 months and we are very disturbed. On 31.05.2023 various videos were circulated in mobile phone and we also saw those, in which person named Jamla his son Nindi residents of Village Chelan, P.S. Amlah, Gurdeep Singh son of Sardool Singh resident of Amlah, Goldy resident of Village Ladpur P.S. Gobindgarh, Sanjeev Pandhi resident of Machhiwara, who work alongwith my father as property dealer known them very well who were beating my naked father with sticks in a room and were abusing him and were seen threatening since the times we had seen the video we are very disturbed and no clue has been found regarding whereabouts of my father. My father has been kidnapped by above mentioned persons in connivance with each other and today while I was alongwith my brother for giving information then you met me alongwith police party at traffic lights chowk Mandi Gobindgarh. I have recorded my statement in the presence of my brother read, heard, correct. Jamla his son Nindi residents of Village Chelan, P.S. Amlah, Gurdeep Singh son of Sardool Singh resident of Amlah, Goldy resident of Village Ladpur P.S. Gobindgarh, Sanjeev Pandhi resident of Machhiwara and legal action be taken against also the persons who filmed the video and my father be released from their custody. Sd/ Komalpreet Kaur.”*

5. The appellant’s counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The petitioner’s counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.



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7. The State's counsel opposes bail and refers to short reply.

8. In Prathvi Raj v. Union of India, 2020:INSC:157 [Para 10], AIR 2020 SC 1036 , a three-judge bench of Supreme Court read down S. 18 by declaring as follows,

[10]. Concerning the applicability of provisions of section 438 Cr.PC, it shall not apply to the cases under Act of 1989. However, if the complaint does not make out a prima facie case for applicability of the provisions of the Act of 1989, the bar created by section 18 and 18A (i) shall not apply.

9. The appellant was granted interim protection vide order dated 14.07.2023 and the order is continuing till date, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the appellant complying with the terms of the bail order.

10. **Petition allowed** in terms mentioned above. Interim order dated 14.07.2023 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)  
JUDGE

12.08.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.