



CRA-S-2402-2025

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

CRA-S-2402-2025

DECIDED ON: 06.08.2025

GURDEEP SINGH ALIAS GAGGI AND ANOTHER

.....APPELLANTS

VERSUS

STATE OF PUNJAB AND ANR

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.

Present: Mr. Naveen Batra, Advocate,
for the appellants.

SANJAY VASHISTH, J (ORAL)

1. Present appeal has been filed by the appellants, challenging the order dated 15.07.2025, whereby anticipatory bail application filed by them, in case, FIR No.61 dated 30.05.2025, registered under Sections 115(2), 118(1), 351(1), 191(3), 190 of BNS, 2023 and (Section 3(1)(R) (S) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, added later on), at Police Station Nurpur Bedi, District Rupnagar, was dismissed.

2. Learned counsel for the appellants, *inter alia*, contends that alleged occurrence took place on 28.05.2025 at about 9:30 P.M. in the fields of one Jaswinder Singh, who, apart from being an eye-witness, also got the FIR in question registered. It is submitted that Mahinder Singh and his son, Budh Singh, both sustained injuries; however, nature of the said injuries is not known to either the prosecution or the complainant, till date.



3. It is further submitted that allegations pertaining to the commission of an offence punishable under the SC/ST Act were introduced much later, by way of a supplementary statement recorded, vide DDR No.10 dated 25.06.2025 (almost 27 to 28 days) after the alleged incident. In such circumstances, question of whether the version has been concocted or not, requires thorough scrutiny by the trial Court after proper appreciation of evidence led before it.

4. Learned counsel for the appellants further submits that, as of now, no conclusive view can be taken, as to whether the allegations attract the provisions of the SC/ST Act, or not. Thus, he prays for grant of concession of anticipatory bail to the appellants in the present case.

5. Notice of motion.

6. On advance notice, Mr. Neeraj Madaan, Sr. DAG, Punjab, puts in appearance on behalf of the respondent – State, and Mr. A.K. Kaushik, Advocate, puts in appearance on behalf of the complainant, and files his power of attorney in Court today, which is taken on record.

7. Learned State counsel, assisted by counsel for the complainant, submits that once the allegations have been levelled, aspect of delay in making the supplementary statement cannot be examined at this stage, as it may prejudice the interest of the victims. However, this fact is not disputed by them that complainant is not a member of the Scheduled Caste (SC) community.

8. This Court has carefully considered the submissions made by counsel for the parties and has perused the record before it, and finds that nature of the injuries sustained by the injured is still not available



with the respondents. Additionally, allegations under the SC/ST Act were made by the victims after a delay of approximately 28 days, during which they remained silent. Thus, this Court is of the opinion that the appellants' right to participate in the investigation while being protected from arrest, cannot be taken away, at this stage. Accordingly, present appeal is allowed.

9. Therefore, appellants are directed to join the investigation within two weeks from today, and in the eventuality of the arrest, appellants would be released on anticipatory bail, subject to their furnishing bail bonds to the satisfaction of the Arresting Officer. The appellants shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

10. Besides, it is directed that appellants would hand over their passport to the Investigating Agency or to Court concerned, if they possess. Otherwise, would submit an affidavit, disclosing the fact that they do not possess any passport.

It is also directed that before leaving country any time during trial, appellants would seek prior permission of the Court.

(SANJAY VASHISTH)
JUDGE

06.08.2025

Lavisha

Whether speaking/reasoned *Yes/No*

Whether reportable *Yes/No*