



CRA-S-2767-2025

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

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CRA-S-2767-2025

Date of decision: 08.09.2025

Sarwan Singh

...Appellant

V/s

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Puneet Kumar Bansal, Advocate for the appellant.

Mr. Gurpartap S. Bhullar, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present appeal has been filed under Section 14-A of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'SC/ST Act') for grant of anticipatory bail to the appellant in case bearing FIR No.99 dated 10.07.2025, registered for the offences punishable under Sections 103, 118(1), 115(2), 191(3), 190 and 61(2) of the BNS, 2023 and Sections 3 and 4 of the of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (added later on) at Police Station Kulgari, District Ferozepur.

2. The gravamen of the FIR in question pertains to an incident whereby the complainant namely Sandeep has alleged that his family owns around 4.5 acres of land out of which they had given 03 acres of land on lease-cum-mortgage to accused namely Jaswant Singh and his brother Gurpreet Singh and 1.5 acres to the accused Satnam Singh in exchange of which, they had received an amount of Rs.4.00 lacs. It has been further alleged that it was decided in the Panchayat that in lieu of Rs.8.00 lacs, the aforesaid accused persons would hand-over the possession of the land to the



family of the complainant, to which the accused persons blatantly refused and did not hand-over the possession of the land. Thereafter, the maternal uncle of the complainant filed a civil suit in which stay was granted in favour of the family of the complainant, restraining the accused persons for entering into the land in dispute. It has been further alleged that, on the fateful day, the complainant alongwith his cousin namely Akash was present at his home, at that time, the accused namely Satnam Singh, Sarwan Singh (appellant herein) alongwith 10/15 persons armed with deadly weapon like *spade*, *kappa*, *sword* and *stick* were aboard two tractors with plough and tried to take forcible possession of the land in question. However, when the mother and other relatives of the complainant tried to intervene and restrained the aforementioned accused persons from taking the forcible possession of the land, the accused persons namely Sewak Singh, Jugraj Singh and Harjinder Singh raised *lalkra* stating that they be taught lesson and should not be escaped. Thereafter, accused Satnam Singh hit the mother of the complainant on her head with *spade* and when his aunt namely Nikko tried to intervene, she was hit by accused Sewak Singh on her head and she fell on the ground. Furthermore, the sister of the complainant namely Sukhwinder Kaur and mother of the complainant and aunt were mercilessly beaten by all the accused while they were lying unconscious on the ground. On hearing the commotion, all the accused ran away from the spot alongwith their respective weapons. Thereafter, the injured were taken to the hospital for the treatment while the mother of the complainant died on the spot on account of the injuries sustained. On these set of allegations, the instant FIR came to be registered. However, during the course of



investigation, the ingredients of offence under the SC and ST Act, 1989 were invoked.

3. Learned counsel for the appellant has iterated that the allegations raised against the appellant are false and concocted. Learned counsel has further iterated that as many as 16 persons have been named in the FIR, apart from 5/7 unknown persons and on perusal of the FIR, no specific role has been attributed to the appellant. According to learned counsel, only general and vague allegations have been levelled that all the accused persons started beating with sticks, kicks, etc. without any particular overt act assigned to the appellant. Learned counsel has further contended that the FIR only makes a sweeping statement that accused persons were having weapons like *spade, kapa, sword, stick*, etc and hence the involvement of the appellant is based on vague and omnibus allegations. It has been further iterated that though the provisions of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 were added later on but a bare perusal of the FIR shows that there is no specific allegation of any offence committed under the said Act. Learned counsel asserts that the appellant has filed a civil suit against the mother and maternal aunt of the complainant, in which stay was granted in favour of the appellant on 05.07.2025, much before the date of alleged occurrence which shows *mala fide* intention behind lodging of the FIR merely to pressurize the appellant and his family members. Furthermore, it has been contended that the appellant is suffering from serious spine related ailments, as reflected in the MRI report (copy whereof has been appended as Annexure P-4 to the instant petition), for which he is undergoing treatment. Due to this condition, he is unable to walk properly. It has been further submitted that



no recovery is to be effected from the appellant and hence no useful purpose will be served by sending him behind bars. Moreover, there is no likelihood of the appellant absconding from the process of justice or tampering with the prosecution evidence in case he is enlarged on pre-arrest bail. On the basis of aforesaid submissions, the grant of instant appeal is entreated for.

4. *Per contra*, learned State counsel (on the strength of advance notice) has opposed the grant of anticipatory bail to the appellant by arguing that the offence committed by the appellant is serious in nature. Learned counsel has further iterated that the FIR discloses that a large group of accused persons, including the appellant, attacked the complainant party with deadly weapons such as *spade, kapa, sword, and sticks*. According to learned State counsel, the assault was not a minor scuffle but a brutal and coordinated attack which resulted in causing serious injuries and resulted in death of mother of the complainant. According to learned State counsel, in such grave offences, the custodial interrogation of the appellant is necessary to unearth the entire conspiracy and role of each accused. Furthermore, the appellant has been specifically named in the FIR as one of the participants of the unlawful assembly. The plea of false implication on account of civil litigation is untenable. It has been further iterated that in case the appellant is granted the concession of pre-arrest bail, at this stage, it may impede the ongoing investigation and obstruct the recovery and potentially lead to tampering with evidence or influencing of witnesses. Accordingly, a prayer has been made for the dismissal of the instant appeal in order to facilitate effective investigation into the alleged offence.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.



6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the appellant. The allegations contained in the FIR cannot be brushed aside as vague or baseless which discloses that the complainant party was attacked by a group of accused persons armed with deadly weapons, which resulted in serious injuries and death of one person i.e. the mother of the complainant. The appellant has been specifically named in the FIR and even if no specific overt act or weapon is attributed to the appellant, the principal of vicarious liability squarely applies in the instant case as the appellant is a member of an unlawful assembly which attacked the complainant side resulting in serious injuries and a death.

7. The contention that provisions of SC/ST Act were added subsequently and without basis does not hold merit. At the stage of consideration of plea of anticipatory bail, the Court is not required to examine whether each ingredient of the Act is established. Furthermore, the plea of false implication owing to civil litigation is also not convincing and cannot be accepted as gospel truth at this stage when investigation of the case is at nascent stage. As regard the medical condition of the appellant, the same cannot be made a basis/ground for grant of anticipatory bail when there are serious allegations levelled against the appellant involving loss of a human life.

8. The gravity of the allegations, the fact that the appellant is specifically named in the FIR coupled with the nature of the offence involving loss of a human life weigh heavily against the grant of anticipatory bail to the appellant. Furthermore, the State has raised a reasonable apprehension that the possibility of the appellant influencing or



intimating the witnesses particularly in view of the ongoing land dispute as also to unearth the broader conspiracy, if any, behind the occurrence. No cause *may* plausible cause has been shown, at this stage, from which it can be deciphered that the appellant has been falsely implicated into the present FIR.

9. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interests. The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. At this stage, there is no material on record to hold that *prima facie* case is not made out against the appellant. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the appellant, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*, the Hon'ble Supreme Court held as under : (SCC p. 189, para 6)

“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third-degree methods need not be countenanced, for, such an argument can be advanced by all



accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

10. In view of the gravity of the allegations, the specific role attributed to the appellant and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the appellant does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

11. In view of the prevenient ratiocination, it is ordained thus:

- (i) The appeal is bereft of merit and is hereby dismissed.
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

September 08, 2025

Ajay

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No