



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
307
CRA-S-1191-2025
Date of decision: 18th August, 2025**

Balwan Singh

...Appellant

Versus

Virender Singh and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. S.P. Chahar, Advocate for the appellant.
Mr. Virender Soni, Advocate for respondent No. 1.
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

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 29.01.2025 passed by learned Additional Sessions Judge, Rohtak in case arising out of FIR No. 710 dated 09.10.2020 registered under Sections 420, 417, 406, 506, 34 and 120-B of IPC and Section 3(2)(v) of SC/ST Act at Police Station City Rohtak, whereby an application for grant of pre-arrest bail as filed by the appellant, had been dismissed.

2. Brief facts of the case, relevant for the purpose of disposal of this appeal are that the FIR No.710 dated 09.10.2020 was initially registered on the basis of a complaint lodged by the respondent-complainant Virender Singh, alleging that the present appellant and his son Vanish had induced him to part with a sum of Rs. 6,00,000/- by alluring him with the promise that the appellant would secure his employment in Group-D Services, which is a government service. The appellant, however, failed to do so and, on repeated insistence and demands made by the respondent-complainant,



returned only an amount of Rs. 2,00,000/- but, with *mala fide* intention to cheat the complainant, did not return the balance amount. As such, the respondent-complainant prayed for taking action in the matter.

3. As revealed from the record, the investigating agency, after conducting investigation, prepared a cancellation report, which was submitted before the Jurisdictional Magistrate on 16.02.2021. The respondent was dissatisfied with the report and filed a protest petition, which was ordered to be treated as a complaint. The learned Jurisdictional Court recorded preliminary evidence and, on considering the same, passed an order on 18.07.2023, thereby summoning the appellant and the co-accused for commission of offences punishable under Sections 120-B, 420 and 506, read with Section 34 of IPC and Section 3 (2)(v) of SC/ST Act. Apprehending his arrest, the appellant moved an application for grant of pre-arrest bail, which has been dismissed by the Court of learned Additional Sessions, Judge, Rothak, vide order dated 29.01.2025.

4. It is argued by learned counsel for the appellant that the impugned order is not sustainable in the eyes of law as no case for commission of subject offences has been made out against him. The ingredients for commission of offence punishable under the provisions of Section 3(2)(v) of SC/ST Act as well as under the provisions of Indian Penal Code have not been attracted against him. After conducting thorough investigation several times, the allegations levelled against him have been found to be false and that is why cancellation report had been prepared in the matter. He has already challenged the order dated 18.07.2023 as passed by the learned trial Court, thereby summoning him as an accused. His custodial interrogation is not required since it is a private complaint case. Neither any



recovery is to be effected from him. It is, therefore, argued that impugned order is liable to be set aside and the appeal deserves to be accepted and he deserves to be extended benefit of pre-arrest bail.

5. *Per Contra*, it is argued by learned counsel for the respondent that there are serious and specific allegations against the appellant which make out a case for commission of offences punishable under the provisions of SC/ST Act as well as IPC. It is stressed that the application for pre-arrest bail of the appellant was not maintainable in view of the bar created under Section 18 of the SC/ST Act and therefore, there is no illegality or infirmity in the order as passed by the learned Additional Sessions Judge. It is, therefore, urged that even the appeal does not deserve to be allowed.

6. It will be relevant to mention here that wide order dated 22.04.2025, the appellant was directed to join the proceedings before the Special Court and was ordered to be released on interim bail. As reported by learned counsel for both the parties, he has joined the proceedings before the trial Court on 09.05.2025.

7. The appellant has been summoned for commission of the aforementioned offences on the allegations that he had cheated the complainant by inducing him to part with the sum of Rs. 6,00,000/- on the pretext of getting him employed in a government job and had also criminally intimidated him, in connivance with the co-accused. The respondent No.2-complainant is admittedly a member of scheduled caste community. As per Section 3(2)(v) of Sc/ST Act any person who commits any offence under the provisions of Indian Penal Code punishable with imprisonment for a term of 10 years or more against a person or property, knowing that such person is a member of scheduled caste or a tribe, shall be punishable with imprisonment



of life and fine. As per the schedule of SC/ST Act, neither of the offences under the Indian Penal Code for which the appellant has been summoned, is however, punishable with imprisonment for a term of 10 years or more, and as such, *prima facie*, no case for commission of offence punishable under Section 3(2)(v) of the SC/ST Act is made out. As such, a question also arises that the bar of Section 18 of SC/ST Act is attracted or not. In ***Dr.Kashi Nath Mahajan vs. State of Maharashtra and another (2018) 6 SCC, 454***, the Hon'ble Apex Court has observed that anticipatory bail could be granted if a *prima facie* case for commission of an offence under the Act is not made out or if it can be shown that the allegations were false. As such, this Court is of the opinion that the benefit of pre-arrest bail can be certainly granted to the appellant, especially keeping in view the fact that he has been summoned as an accused in a complaint case and therefore, neither his custodial interrogation is required nor any recovery is to be effected from him. He is not required to join any investigation and has to appear and face trial before the learned trial Court. Taking into consideration all the above discussed facts but without meaning to make any comment upon the merits of the case, lest the same prejudice the case of either of the parties, the appeal is allowed and the impugned order is set aside, and the order dated 22.04.2025 thereby granting interim bail to the appellant is hereby made absolute, subject to the appellant's continuing appearing before the learned trial Court.

8. Since the main appeal has been disposed of, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

18th August, 2025

Parveen Sharma

1. Whether speaking/ reasoned
2. Whether reportable

: Yes / No
: Yes / No