



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

101

CRA-S-499-2025 (O&M)
Decided on : 13.02.2025

Virender Kumar

... Appellant(s)

Versus

State of Haryana and another

... Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Aditya Sanghi, Advocate
for the appellant(s).

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

CRM-6062-2025

Allowed as prayed for.

CRA-S-499-2025

1. Present appeal has been filed by the appellant – Virender Kumar, for seeking concession of anticipatory bail in case FIR No.0009, dated 18.01.2025, under Sections 115, 117(2), 3(5), 351(2) of BNS, 2023 and under Sections 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (in short, 'SC/ST Act'), registered at Police Station Nangal Chaudhri, District Mahendergarh, Haryana.

2. Learned counsel for the appellant submits that as per the version of the FIR, injured (complainant) – Mahesh Kumar, has suffered two fractures i.e. in leg and hand. Offence under Section under Section 117(2) of BNS, 2023, is admittedly a scheduled offence. Therefore, prayer for anticipatory bail is barred by virtue of Section 3(2)(va) of the SC/ST Act,



which is reads as under:-

“Section 3(2)(va) in The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

(va) commits any offence specified in the Schedule, against a person or property, knowing that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with such punishment as specified under the Indian Penal Code (45 of 1860) for such offences and shall also be liable to fine; ”

3. While reading out the aforementioned provision, Mr. Aditya Sanghi, learned counsel for the appellant, argues that element of knowledge is completely missing in the FIR. Therefore, offences under Section 3(2) (va) of the SC/ST Act, would not be made out and resultantly, bar under Section 18 of the Act would also not be applicable.

4. As per the version of the FIR, it appears that there was some financial transaction between the appellant and the complainant. Appellant allegedly challenged the status and social standing of the complainant while causing injuries. He also stated to the complainant that you are just a teacher, and I have managed to trap the Haryana Police official and in the same way, I will also trap you, so do not ask for the money.

5. Considering the version of the FIR in its entirety coupled with the fact that complainant is involved for committing offence under Section 117(2) of the BNS, 2023, which is a scheduled offence, *Prima facie*, it appears that the act of the petitioner is covered as an offence under Section 3(2)(va) of the SC/ST Act.

6. It is clear that while dealing with the version of the FIR and the provision of law mentioned here-above, this Court is not making any comments upon the merits or even on the supplementary statement dated



15.01.2025. There being bar under Section 18 of the Act, present appeal is hereby **dismissed**.

However, it would be open for the appellant to surrender before the concerned trial Court, and in case, he surrenders within a period of one week, in that eventuality, his regular bail application would be decided by the trial Court within next three days.

(SANJAY VASHISTH)
JUDGE

February 13, 2025

J.Ram

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No