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CRA-S-2466-2025

2025-PHHC:134390



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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRA-S-2466-2025
Date of decision: 25.09.2025

LEKH RAJ

....Appellant

Versus

STATE OF PUNJAB AND ANR.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. G.S. Kaura, Advocate for the appellant

Mr. Jatinderpal Singh, Sr. DAG, Punjab.

Mr. Arshdeep, Advocate for the respondent No.2/complainant.

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RUPINDERJIT CHAHAL, J. (ORAL)

The instant appeal has been preferred by the appellant against the order dated 25.07.2025 passed by learned Additional Sessions Judge, Fazilka, whereby the application for grant of anticipatory bail to the appellant had been dismissed in case FIR No.40 dated 25.05.2025 under Sections 333, 118, 115(2), 191(3) and 190 BNS (Section 3(1) of the SC/ST Act and 3(5) BNS added later on and Sections 333, 118, 115(2), 191(3) and 190 BNS were deleted), registered at Police Station Amir Khas, District Fazilka.

2. On 20.08.2025, following order had been passed: -

“ Present appeals are directed against the common order dated 25.07.2025 passed by the Additional Sessions Judge, Fazilka dismissing the applications of the appellants for grant of anticipatory bail in case FIR No.40 dated 25.05.2025 registered under Sections 333, 118, 115(2), 191(3) and 190 of the Bharatiya



Nyaya Sanhita, 2023, at Police Station Amir Khas, District Fazilka. Later on, Section 3(1) of the SC/ST Act, 1989 and 3(5) of the BNS were added, while Sections 333, 118, 115(2), 191(3) and 190 of BNS were deleted.

Status report filed by learned State counsel, in Court today, is taken on record.

*Learned counsel for the appellants contends that the appellants have been falsely implicated in the present case. No offence under the provisions of SC/ST Act is made out as the alleged occurrence did not take place at a public place. Further, even as per the prosecution case, there is no mention of 'prohibited words' in the initial version of the complainant recorded by the Police, to attract the provisions of SC/ST Act. He further submitted that during investigation, after more than one month of the occurrence, vide Rapat No.36 dated 12.07.2025, offences under Section 333, 118, 115(2), 191(3), 190 of the BNS were deleted. Learned counsel argued that Section 3(1) of SC/ST Act was not invoked by the Police at the initial stage of registration of the FIR and it was added at a later stage. Reliance has been placed upon judgment of a three Judges Bench of Hon'ble Apex Court in **Prathvi Raj Chauhan Vs. Union of India and others, 2020 AIR Supreme Court 1036**, wherein it has been held that there is no bar in granting bail, if prima facie, no case under SC&ST Act is made out.*

Learned counsel for the appellants has further contended that so far as alleged offence under Section 3(5) BNS is concerned, there are crossversions in the present case and it is yet to be determined as to which party was the aggressor one. He further submitted that the appellants are ready and willing to join the investigation as and when called upon to do so by the investigating agency.

On the other hand, learned State counsel has opposed the prayer for grant of anticipatory bail. While referring to the status report, it is argued that the allegations levelled against the appellants are serious in nature. At this stage, learned counsel for respondent No.2/complainant has put in appearance and filed his Vakalatnama, which is taken on record. He has also opposed the prayer for grant of anticipatory bail to the appellants.

List on 25.09.2025.

In the meantime, the appellants are directed to join investigation within a week from today and would appear as and when required by the Investigating Officer and cooperate with the Investigating Agency. In the event of arrest, they shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Arresting/Investigating Officer. The appellants shall also abide



by the conditions as envisaged under Section 482(2) of BNSS, 2023. A photocopy of this order be placed on the files of other connected cases.”

3. Learned counsel for the appellant submits that in compliance of the order dated 20.08.2025 passed by this Court, the appellant has joined the investigation.

4. Learned counsel for the State, on instructions from S.I. Gurinder Singh, has submitted that the appellant has joined the investigation and is no longer required for further investigation.

5. In view of the statement made by learned State counsel, the interim order dated 20.08.2025 is made absolute. The appellant shall continue to join investigation, as and when called by the Investigating Officer and shall also abide by the conditions as provided under Section 482(2) of the BNSS.

25.09.2025
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(RUPINDERJIT CHAHAL)
JUDGE

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|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |