



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRA-S-1231-2025 (O&M)

Date of decision: 08.04.2025

Vikas

.....Appellant

Versus

State of Haryana and Anr

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Fateh Saini, Advocate for the appellant.
Mr. Ashish Bishnoi, DAG, Haryana.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 14-A of SC/ST Act praying for setting aside order dated 02.04.2025 and for grant of anticipatory bail in case FIR No.40 dated 26.03.2025 under Sections 351 (2) BNS and Sections 3(1)(r), (3) (1)(s) of SC/ST Act registered at P.S Siwan, District Kaithal.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Sir, the complaint number 109-P/SP DT 03.03.2025 after Investigation and after DDA opinion office Superintendent of Police Kaithal has received it at the police station through post. The copy of the complaint is as follows: To SP Sir, District Kaithal. Subject: To complain about the scuffle, abuse and use of casteist words by Vikas DPE son Puran Singh (mob 9416160120) who came to the office. Sir, the request is that I, (applicant) Satpal son Kaliram and I am working in the post of ESHM in Govt. Middle School Kakheri, Siwan since August 2022. 1. That on 08.11.2024, the above accused quarreled with me about making time-table and while tearing the time-table said that sale dedh I will not obey your orders, saying this, he abused and beat me. Baru Ram of 4th class saved me and



Sanjay Kumar Punjabi teacher was also present at the spot. I complained about this to SHO Siwan on the same day, after which I complained to your office Kaithal on 21/11/2024, but the police did not take any action and instead the accused is repeatedly threatening to kill me. 2. That on 25.01.2025, he abused me about getting the school white-washed and tried to beat me up by using casteist words. On 31.01.2025 I had called a meeting of the SMC and in this meeting he came to beat me in front of everyone but my fellow employees saved me from the clutches of the culprit 3. That on 28.02.2025 the above-mentioned culprit again came to the school and beat me and used the word casteist against me and while the culprit was on exam duty at GSSS Kanthali and the culprit was called by SMS president Vinod Rana and apart from this Gurmeet Singh teacher alongwith 2-3 villagers saved me from the clutches of culprit. 4. That the accused repeatedly threatens me that if you do not withdraw a complaint against me, I will not let you work and will kill you. That I am very disturbed by the repeated threats and assaults of the accused and I am in great danger from the accused and I have given many complaints against the accused but no action has been taken and the accused says that the administration cannot do anything to me. Hence, I request you that a proper investigation should be done and legal action should be taken against the accused and my life and property should be protected. Thank you Applicant SD SATPAL 3/3/2025 Satpal son of Shri Kali Ram Employees Colony Khurana Road, Kaithal M-9466792120 Today, on studying the complaint received in the police station, crime under section 351(2) BNS 3(1), 3(1)s SC/ST Act was found to have been committed, case number 40 dated 26.03.2025 section 351 (2) BNS 3(1)r, 3(1)s SC/ST Act, Police Station Siwan will be registered and special report of the case will be sent to the service of officers. As per the order of officers, the file of the case will be sent to the competent officer for investigation. This case was registered in the attendance of SI Sandeep Kumar no 277/Kaithal.”

3. Contention
On behalf of the petitioner

Learned counsel for the petitioner contends that from the perusal of the FIR, no offence under the provisions of SC/ST Act is made out. In fact, there



was some old enmity between the two and allegations of misappropriation of Rs.10,000/- have been levelled by the complainant. At the same time, as on date, custodial interrogation of the petitioner is not considered to be must for which no recovery or otherwise any additional information is to be extracted from him except the one which is available with the prosecution.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Ashish Bishnoi, DAG, Haryana accepts notice on behalf of the respondent-State and Mr. Varun Veer Chauhan, Advocate has put in appearance for respondent No.2, who opposed the grant of concession of bail by submitting that custodial interrogation of the petitioner is required to ascertain the facts and video clip is there showing direct allegations against the petitioner.

4. Analysis

Be that as it may, as far as contention of learned State counsel is concerned that FSL report is awaited the same is totally unfounded as alleged audio recording is in possession of the State/prosecution which are still to be sent to the FSL as such testing of audio and video clipping is bound to take inordinate time as the same will be sent to Chandigarh Forensic Science Laboratory and for that petitioner should not suffer.

Also considering the fact that it is a matter of old enmity between the petitioner and the complainant and complainant is in habit of making false complaints and petitioner is ready and willing to join the investigation.

5. Relief

In the light of above, the petitioner is directed to be released on anticipatory bail subject to him joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of



personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

**(SANDEEP MOUDGIL)
JUDGE**

08.04.2025

manoj

1. Whether speaking/ reasoned : Yes /No
2. Whether reportable : Yes /No