



S. No.106

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

\*\*\*\*

CRA-S-3129-2025 (O&M)  
Date of Decision:14.10.2025

Amit .....Appellant  
Vs.  
State of Haryana .....Respondent

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Digvijay Singh, Advocate for the appellant.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

Ms. Pinki Mehla, Advocate  
(Through Video Conferencing) and  
Mr. Amit Kaushik, Advocate for the complainant.

\*\*\*\*

Yashvir Singh Rathor, J. (Oral)

CRM No.41017 of 2025

1. This is an application for impleading respondent No.2 – complainant as a party.
2. For the reasons mentioned in the application, the same is allowed, subject to all just exceptions. Rahul Kumar, whose particulars are mentioned in para No.4 of the application is ordered to be impleaded as respondent No.2-Complainant in the main case, i.e. CRA-S-3129 of 2025.
3. Amended Memo of Parties is taken on record.

CRA-S-3129-2025

1. By way of present appeal filed under Section 14A(2) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (for



short, 'the SC & ST Act') appellant prays for grant of concession of anticipatory bail as bail application filed by the appellant before learned Additional Sessions Judge, Kaithal was dismissed vide the impugned order dated 03.10.2025.

2. Present case was registered on the basis of complaint given to the Police by Rahul son of Mahabir, caste Valmiki, with the allegations that on 29.08.2025, he had gone to attend Sukhdev Muni Mela at Village Sajuma to pay obeisance when some unknown persons suddenly launched an attack upon him and caused injuries to him, as a result of which, he fell unconscious. The public saved him from the assailants. Later on, he enquired about their names and came to know about their names to be Amit son of Suresh Kumar, Suresh father of Amit, his mother, wife and Ram Niwas Caste Saini. He does not know as to why they had attacked him with gandasies, caused injuries to him and abused him in the name of his caste. Amit had also threatened to kill him and he sought action against them. Appellant applied for anticipatory bail before the Court of Additional Sessions Judge/ Special Court, Kaithal which has been rejected vide order dated 03.10.2025.

3. I have heard learned counsel for the parties and perused the material placed on record. Power of Attorney filed on behalf of respondent No.2 is taken on record.

4. Learned counsel for appellant argued that no offence under the provisions of Section 3(1)(r) and 3(1)(s) and 3(1)(2)(v) of SC & ST Act is made out against the appellant and false allegations have been levelled. No derogatory words were uttered within public view with an intention to humiliate the complainant and no such occurrence had ever taken place. False version has been



cooked up and put forward as a counter blast to FIR No.75 dated 24.03.2025 registered under Sections 115, 126, 3(5) and 321(2) of the BNS, 2023, in which present complainant- Rahul is one of the accused and is facing the trial. Learned counsel for the appellant contended that the appellant is ready to join the investigation and to abide by the conditions that may be imposed by the Court and benefit of anticipatory bail be extended in his favour and the order passed by learned Special Court, Kaithal be set aside.

5. On the other hand, learned State Counsel assisted learned counsel for complainant argued that the entire occurrence has been captured in the CCTV footage in which appellant is seen causing injuries to the complainant with a lathi. As per version of the complainant, appellant had abused him in the name of his caste within public purview where many persons were already present. The investigation is at initial stage and in view of bar contained in Section 18 of SC & ST Act, application for anticipatory bail is not maintainable and learned Sessions Court has rightly declined the relief of anticipatory bail and he prayed that appeal in hand be also dismissed.

6. As per allegations in the FIR, appellant along with other co-accused had assaulted the complainant and caused injuries to him and abused him in the name of his caste who belongs to Valmiki Caste, which falls within scheduled caste. No doubt, the utterances are not audible in the CCTV footage but the version of the complainant cannot be disbelieved at this stage wherein he has specifically alleged that the appellant and his co-accused had abused him in the name of his caste and used derogatory words within public view.



7. A three judge Bench of Hon'ble Supreme Court in Criminal Appeal decided vide judgment dated 01.09.2025 reported as 2025 INSC 1067 titled **“Kiran Vs. Raj Kumar Jivraj Jain and another”**, while dealing with the provision relating to grant of anticipatory bail and the bar created by Section 18 of SC/ST Act, 1989 has held as under:-

“In the light of parameters, in relation to the applicability of Section 18 of SC/ST Act, 1989 emanating from afore-discussed various decisions of this Court, the proposition could be summarized that as the provision of Section 18 of SC/ST Act, 1989 with express language excludes the applicability of Section 438 of Cr.P.C., it creates a bar against grant of anticipatory bail in absolute terms in relation to the arrest of a person who faces specific accusations of having committed the offence under SC/ST Act. The benefit of anticipatory bail for such an accused is taken off.”

8. In this case, the Court of learned Additional Sessions Judge had dismissed the application for anticipatory bail and the High Court granted him anticipatory bail by observing that accused was falsely implicated. It was held that there is no escape from the conclusion that prima facie offence under SC/ST Act is made out from the bare reading of FIR. Hon'ble Supreme Court held that in reaching a conclusion as to whether a prima facie offence is made out or not, it would not be permissible for the Court to travel into the evidentiary realm or to consider other materials, nor the Court could advert to conduct a mini trial.

9. Taking into consideration the facts of the case, I am of the considered opinion that learned Special Court has also passed a well-reasoned order after



appreciating the facts of the case and material on file and no interference in the impugned order is thus called for, particularly because Section 18 of the SC & ST Act bars grant of anticipatory bail. Resultantly, the appeal in hand is hereby dismissed.

**(Yashvir Singh Rathor)**  
**Judge**

**October 14, 2025**

**renu**

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No