



CRA-S-214-2023 (O&amp;M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH**

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**CRA-S-214-2023 (O&M)  
Reserved on : 10.09.2025  
Pronounced on : 15.09.2025**

Preeti

..... Appellant

VERSUS

State of Haryana

..... Respondent

**CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH****Present:** Mr. Anmol Sharma, Advocate and  
Mr. Namit Khurana, Advocate for the appellant.

Ms. Deepali Verma, Asst. A.G. Haryana.

Mr. Ramnish Puri, Advocate for the complainant.

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**SURYA PARTAP SINGH, J.**

1. This is an appeal, preferred by the appellant, against the order dated 22.12.2022, hereinafter being referred to as 'impugned order' only, passed by the learned Special Judge, Yamuna Nagar, designated under Section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, hereinafter being referred to as 'SC&ST Act', whereby the application for anticipatory bail moved by the appellant has been dismissed.

2. The abovementioned application for anticipatory bail was moved by the appellant in a case lodged against her and her husband,

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namely Lalit, vide FIR No.525 dated 15.12.2022 for the commission of offence punishable under Section 506 of Indian Penal Code and Sections 3(1)(r) and 3(1)(s) of the SC&ST Act, Police Station Gandhi Nagar, District Yamuna Nagar.

3. Aggrieved of the abovementioned order, the present appeal has been preferred.

4. According to appellant, learned Special Judge has committed an error of judgment and failed to appreciate that the story set-out by the complainant was improbable and false on the face of it, and that essential ingredients meant for the offence punishable under the SC&ST Act are not made out in the present case. It has also been pleaded by the appellant that falsity of the allegations of the appellant can be gauged from the fact that neither any date, nor any time of alleged incident has been mentioned in the FIR. While seeking the interference and indulgence of appellate jurisdiction of this Court, the appellant has prayed for anticipatory bail.

5. Shorn-off unnecessary details, the facts emerging from the record are that the abovementioned FIR came into being on the complaint moved by Smt. Sushma, hereinafter being referred to as 'complainant' only, wherein she alleged that her neighbours, namely Preeti (the appellant), and her husband Lalit, misbehaved with her, threatened her and uttered unwanted words in the name of her caste. As per complainant, she has apprehension of being harmed, and therefore, action be taken against them.

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According to prosecution, in view of abovementioned complaint, a formal FIR has been lodged in this case.

6. Heard.

7. It has been argued by learned counsel for the appellant that appellant is innocent having no nexus, whatsoever, with the commission of crime, and that she has been falsely implicated in the present case. According to learned counsel for the appellant, the story set up by the prosecution in itself speaks in volumes that

‘firstly, the allegations contained in the FIR itself are vague and inconclusive, and

secondly, on the basis of allegations contained in the FIR, Sections 3 and 4 of SC&ST Act cannot be invoked’.

8. According to learned counsel for the appellant, in addition to above, the abovementioned story is totally improbable and unable to convince a prudent mind, as the date & time of occurrence and actual happening at the time of occurrence, have not been mentioned. While assailing the impugned order, it has been contended by learned counsel for the appellant that without application of mind, the learned Special Judge has dismissed the application for anticipatory bail. Hence, the present appeal.

9. The learned State Counsel has controverted the abovementioned arguments. As per learned State Counsel, irrespective of the fact that details of the incident were not mentioned by the complainant, verification proceedings have been conducted by the police and it has been

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found that the complainant is a victim of offence punishable under Section 506 of IPC and Sections 3(1)(r) and 3(1)(s) of the SC&ST Act. It has also been argued by learned State Counsel that in view of the fact that SC&ST Act has been invoked in this case, the bar enshrined under Section 18 of the SC&ST Act is applicable in the present case and therefore, the petitioner is not entitled for the benefit of anticipatory bail. While defending the impugned order, the learned State Counsel has argued that in view of above, there is no scope for interference and indulgence of appellate jurisdiction of this Court, in the impugned order.

10. The record has been perused carefully.

11. A perusal of record shows that in the present case, a very brief description of offence has been given by the complainant, while seeking the registration of FIR. A bare perusal of FIR shows that it has not been mentioned by the complainant that she belongs to Scheduled Caste, and the petitioner does not. Secondly, it has also not been mentioned whether alleged misbehavior by the petitioner and her husband, with the complainant, was in public view or not. In addition to above, it is also relevant to mention here that in the FIR, there is no mention that any kind of injury was inflicted on the person of complainant. More so, even the date, time and place of occurrence have not been mentioned in the FIR. Thus, this inference can safely be drawn that firstly, the FIR is vague for want of abovementioned description, and secondly, *prima facie* essential ingredients

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meant for the commission of offence punishable under Section 506 of IPC and Sections 3 and 4 of SC&ST Act are not made out.

12. Moreover, in the reply filed by the State, on 18.07.2023, it has been mentioned that in compliance of the order dated 20.01.2023 passed by this Court, the appellant had joined investigation with the police on 31.02.2023, and thereafter, the complainant moved a complaint before the Superintendent of Police, Yamuna Nagar against the appellant and her husband. However, after inquiring into the matter, no truth was found by the police in the said complaint.

13. In view of abovementioned facts and circumstances, it comes on surface that there are several other factors also, which are required to be taken into consideration before arriving at any decision with regard to present appeal: Those are: -

- a) that the appellant is a female;
- b) that the appellant is already on interim anticipatory bail for the last 2 years and there is no allegation that she has misused the abovementioned concession;
- c) that as per reply submitted by the State, appellant has joined the investigation and nothing is left to be recovered from her possession; and
- d) that detention of the appellant in judicial lockup is not likely to serve any purpose.

14. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it transpires that an



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error of judgment has been committed by the learned Special Judge, when without appreciating the abovementioned factors, the application for anticipatory bail moved by the appellant has been dismissed. In such circumstances, being perverse, the impugned order cannot sustain.

15. As a sequel to abovementioned observations, it is hereby held that the present appeal has got merit and the same deserves to be allowed. Hence, by accepting the instant appeal, the impugned order dated 22.12.2022 passed by learned Special Judge, Yamuna Nagar is hereby set-aside and the order dated 20.01.2023, passed by this Court, is made absolute.

16. The appeal stands allowed, accordingly.

17. Pending miscellaneous application(s), if any, shall also stand disposed of.

**(SURYA PARTAP SINGH)  
JUDGE**

**SEPTEMBER 15, 2025**

*Gaurav Thakur*

Whether speaking / reasoned  
Whether Reportable

Yes/No  
Yes/No