



CRA-S-2805-2025 (O&M)

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

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**CRA-S-2805-2025 (O&M)
Reserved on : 09.09.2025
Pronounced on : 15.09.2025**

Jujhar Singh

..... Appellant

VERSUS

State of Punjab & Anr.

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Argued by: Mr. Tushaar Madaan, Advocate for the appellant.

Mr. Eklavya Darshi, Deputy Advocate General, Punjab.

Mr. Navjot Singh, Advocate for the respondent No.2.

SURYA PARTAP SINGH, J.

1. This appeal has been preferred by the appellant, against the order dated 02.09.2025, hereinafter being referred to as 'impugned order', passed by the learned Additional Sessions Judge, Hoshiarpur, 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 him vide FIR No.89 dated 27.08.2025 for the commission of offence punishable under Section 3(1)(r) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, hereinafter being referred to as 'SC&ST Act', and Sections

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127(2), 324(4) and 351(2) of the Bharatiya Nyaya Sanhita, Police Station Garhdiwala, District Hoshiarpur.

3. Succinctly, the background giving rise to present appeal is that the abovementioned FIR has been lodged by the complainant/respondent No.2, hereinafter being referred to as 'respondent No.2' only, against the accused/appellant, hereinafter being referred to as 'appellant' only, in response to a complaint of respondent No.2. In the abovementioned complaint, it has been alleged by the respondent No.2 that he was running a shop in Village Keshavpur since 2012, and that on 26.08.2025, few persons were sitting in his shop and deliberating on the issue of development of the village. As per respondent No.2, there the appellant came and started rebuking him by using abusive words in the name of his caste.

4. It has been further alleged by the respondent No.2 that when he respectfully enquired about the context for the abovementioned outburst, the appellant slapped him. According to respondent No.2, when villagers noticed the abovementioned incident they gathered on the spot, but despite their presence, the appellant continued to use abusive language. As per respondent No.2, despite abovementioned incident, in order to buy peace, he did not report the matter to the police.

5. It has been further alleged by the respondent No.2 that on next day, he opened his shop and in the afternoon, appellant along with his accomplice came there, vandalized his shop and when respondent No.2 and

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his companion Sukhwinder tried to stop them, they were taken hostages by the assailants. According to the respondent No.2, he was later on rescued by the villagers. As per case set out by the prosecution, on the basis of abovementioned application, formal FIR in this case was lodged and the investigation taken up, which is in progress.

6. Heard.

7. It has been contended on behalf of appellant that the appellant is innocent and no incident, as narrated by the respondent No.2, had taken place. As contended by learned counsel for the appellant, in fact the appellant has purchased 21 kanals of land in the village and in the abovementioned property there is one shop being run by the respondent No.2, the Sarpanch of the village. According to appellant, when he acquired title over the property, he repeatedly requested the respondent No.2 to vacate the abovementioned shop, but by taking advantage of his position, as Sarpanch of the village, the respondent No.2 refused to vacate the property of appellant and threatened him of dire consequences.

8. It has also been pointed out by learned counsel for the appellant that on 21.08.2025, when the alleged incident had taken place, the respondent No.2 had filed a civil suit, wherein he prayed for ad-interim prohibitory injunction, but the learned Court refused to give any such relief to the appellant and therefore, the respondent No.2 out of frustration, and in

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order to settle scores with the appellant, resorted to filing of false complaint, which served as foundation for the present FIR

9. It has been further argued by learned counsel for the appellant that the falsity of the allegations contained in the FIR can be gauged from the fact that on the same day, when the alleged incident had taken place, the respondent No.2 had filed a civil suit, but in the civil suit, there was no reference of the incident. As per learned counsel for the appellant, vice-versa also is true, as the factum of civil suit does not figure in the FIR.

10. It has also been argued by learned counsel for the appellant that the appellant is a respectable resident of the village, having properties therein, and that in order to pressurize the appellant, to refrain from asking to vacate the shop, illegally occupied by the respondent No.2, the false complaint has been filed. As per learned counsel for the appellant, despite the fact that all these facts were projected before the learned trial Court, the learned trial Court committed an error of judgment, and without proper appreciation of factual as well as legal matrix involved in this case, dismissed the application for anticipatory bail moved by the appellant. It has also been argued by learned counsel for the appellant that his valuable legal rights are involved in the present case and if, the benefit of anticipatory bail is denied to the appellant, he will suffer irreparable loss.

11. *Per contra*, learned State Counsel, being assisted by learned counsel for the complainant, has argued that in the present case, there are

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direct allegations of the use of derogatory words in the name of caste of the respondent No.2. According to learned State Counsel, this is a matter of trial as to whether such allegations are true or not. While defending the impugned order, it has been argued by learned State Counsel that a lot of evidence is available on record against the appellant, including the video footage, and that any enquiry or appreciation of evidence, at this stage, when the trial is yet to be concluded is not expected from the Court. It has also been argued by learned State Counsel that a right view has been taken by the learned trial Court, and that there is no scope for interference or indulgence of appellate jurisdiction of this Court in the impugned order.

12. In addition to above, it has also been argued by learned State Counsel that civil suit was filed by the respondent No.2 in the Court on 21.08.2025 and the incident had taken place in the afternoon, and therefore, reference of incident dated 21.08.2025 was not possible to be incorporated in the civil suit. With regard to reference of civil suit in FIR, learned State Counsel has argued that there is no such requirement.

13. The record has been perused carefully.

14. A careful perusal of record shows that there are certain facts, which are prima facie established in the present case:-

- a) that both the appellant and the respondent No.2 are residents of the same village;



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- b) that appellant belongs to higher caste, whereas the respondent No.2 belongs to Scheduled Caste;
- c) that there was dispute between the appellant and the respondent No.2 with regard to possession of shop owned by the appellant, but occupied by the respondent No.2; and
- d) that civil litigation between the parties with regard to possession of shop of the respondent No.2 is in progress.

15. In the light of abovementioned *prima facie* established facts, now it has to be determined as to whether the decision taken by the learned trial Court, while dismissing the application for anticipatory bail filed by the appellant, is in accordance with law or not.

16. With regard to above, at the very outset, it is pertinent to mention here that recently the Hon'ble the Supreme Court of India in '*Criminal Appeal No. of 2025 @Special Leave Petition (Crl.) No.8169 of 2025, titled as 'Kiran Vs. Rajkumar Jivraj Jain & Anr.'*', Neutral Citation No.2025 INSC 1067 has observed that if the allegations in the FIR *prima facie* disclose the commission of offence under Section 3 of SC&ST Act, the bar of Section 18 of SC&ST Act is attracted. In the abovementioned case, the benefit of anticipatory bail was afforded to the accused by the High Court, but the Hon'ble Supreme Court of India found that while granting anticipatory bail to the accused, an error of judgment was committed by the High Court.



17. In the same case, it has also been observed by the Hon'ble Supreme Court of India that while dealing with an application for anticipatory bail a Court cannot conduct a mini trial, and that evaluation of testimony of witness at this stage is not permitted. According to the Hon'ble Supreme Court of India, *prima facie* satisfaction of offence is sufficient to deny anticipatory bail under the provisions of SC&ST Act.

18. In addition to above, it has also been held that abuse and intimidation with casteist slurs outside the complainant's house qualifies as 'public view'. Similarly, in *Criminal Appeal No.5 of 2024* titled as '*Karuppiah Vs. State, reported in AIR 2025 SC 705*, the Hon'ble Supreme Court of India has laid down that a place can be a private place, but yet within a public view.

19. In '*Swaran Singh & Ors. Vs. State & Anr.*', reported in *AIR 2008 (Supl.) SC 441*, it was held by the Hon'ble Supreme Court of India that calling a person in the name of his caste inside a building qualifies for the definition of 'public view' under SC&ST Act, if some members of the public (not merely relatives or friends) are present there.

20. In the light of abovementioned legal propositions, if the facts and circumstances of the present case are analyzed, it transpires that there are very specific categorical and unambiguous allegations against the appellant that he used derogatory words in the name of caste of respondent No.2 in public view. At this stage, when the case is fixed for anticipatory



bail, as laid down by Hon'ble the Supreme Court of India, an enquiry cannot be conducted with regard to credibility of evidence.

21. In view of cumulative effect of all the abovementioned factors, once the allegations contained in the FIR are specific qua the following facts:

- a) that the incident had taken place in public view, i.e. in the shop of the respondent No.2, where several villagers were present; and
- b) that the appellant used derogatory words in the name of his caste, for the respondent No.2;

this inference can safely be drawn that the provisions of Sections 3/4 of SC&ST Act are *prima facie* attracted in this case, and therefore, bar, as enshrined under Section 18 of SC&ST Act, comes into picture.

22. Resultantly, it is hereby held that no error, whatsoever, either of judgment or of law, has been committed by the learned trial Court, while invoking the abovementioned bar and denying the benefit of anticipatory bail to the appellant. Hence, there being no scope for indulgence and interference of appellate jurisdiction of this Court in the impugned order, the present appeal is hereby found to be without merit.

23. In view of above observations, it is hereby held that the present appeal deserves dismissal. The same is hereby dismissed, accordingly.



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24. 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