



CRA-S-1796-2023

101

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

CRA-S-1796-2023

Date of Decision: 12.08.2025

Sanjiv Pandhi

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Gautam Dutt, Advocate
for the appellant.

Mr. Akshay Kumar, A.A.G., Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
107	02.06.2023	Gobindgarh, District Fatehgarh Sahib	365, 342, 323, 506, 120-B IPC, 67 of IT (Amendment) Act (Section 3 of SC&ST (Prevention of Atrocities) Act added later on)

1. Aggrieved by the dismissal of their bail under section 438 CrPC, the accused has come up before this court by filing an appeal under section 14-A of Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, (SCSTPOA), seeking anticipatory bail.

2. Per paragraph 25 of the bail petition, the appellant has no criminal antecedents, however as per short reply filed in connected case i.e. CRA-S-1759-2023, the appellant has the following criminal antecedent:

Sr. No.	FIR No.	Dated	Offence	Police Station
1.	114	10.03.2005	353, 186 IPC	Macchiwara

3. Vide order dated 06.07.2023, the appellant was granted interim protection and the said order is continuing till date.

4. The facts and allegations are being taken from the translated version of FIR, which reads as follows:

“Copy of statement, Statement of Komalpreet Kaur daughter of Avtar Singh resident of village Kumbhra, Police Station Mandi Gobindgarh, District Fatehgarh Sahib, aged about 23 years, mobile No. 77197-xxxxx, I would like to state that I am resident of above



CRA-S-1796-2023

noted address and I have one younger brother namely Mehak Singh aged about 20 years. My mother Amar Kaur was Anganwari worker, who died in the year 2017 due to illness and I was appointed on job in place of my mother. Now I am working in the school of our village. My father Avtar Singh is doing the work of property dealer, who went from house about three months ago by saying that some case is registered against me regarding money of property and I will come back to home on my own. Earlier also he used to go out from the house regarding work of property and come back to house after some days. But now he did not come back to house from last three months, due to which we were very upset. Yesterday on 31.05.2023, the videos were getting viral in the mobile phones, which were seen by us, in which my father and his associates are seen who are doing with work of property dealer with my father namely Jamla and his associate Nindi resident of village Chehlan, Police Station Amlloh, Gurdeep Singh son of Sardool Singh resident of Amlloh, Goldi resident of village Ladpur, Police Station Gobindgarh, Sanjeev Pandhi resident of Machhiwara, who used to visit our house and I am well known to them and the said associates of my father had laid my father on the ground in a room in nude condition and were beating him with sticks (Soties) and are abusing and threatening. I am very upset from the time of watching said video, there is no clue about my father so far. The above said persons have kidnapped my father. Today I along with my brother Mehak Singh was coming to Police Station to inform about it, you met us along with police party at Battian Wala Chowk, Mandi Gobindgarh, I have got recorded my statement in the presence of my brother Mehak Singh. I have read and heard it carefully, same is correct. Legal action be taken against Jamla and his associate Nindi resident of village Chehlan, Police Station Amlloh, Gurdeep Singh son of Sardool Singh resident of Amlloh, Goldi resident of village Ladpur, Police Station Gobindgarh, Sanjeev Pandhi resident of Machhiwara and the person who is making their video and my father be got released from the illegal custody of above said persons. Applicant Komalpreet Kaur, supported by Sd/ Mehak Singh.”

5. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

6. The State's counsel opposes bail.

7. In Prathvi Raj v. Union of India, 2020:INSC:157 [Para 10], AIR 2020 SC 1036 , a three-judge bench of Supreme Court read down S. 18 by declaring as follows,

[10]. Concerning the applicability of provisions of section 438 Cr.PC, it shall not apply to the cases under Act of 1989. However, if the complaint does not make out a prima facie case for applicability of the provisions of the Act of 1989, the bar created by section 18 and 18A (i) shall not apply.



CRA-S-1796-2023

8. The appellant was granted interim protection vide order dated 06.07.2023 and the said order is continuing till date, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute.

9. **Petition allowed** in terms mentioned above. Interim order dated 06.07.2023 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

12.08.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.