

CRA-S-1415-2025 (O&M)

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

2025.PHHC.080662



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Date of Decision: 07.07.2025

GOURAV GOEL

... APPELLANT

VERSUS

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM : HON'BLE MR. JUSTICE SANJAY VASHISTH

Present:- Mr. Rishabh Gupta, Advocate for the appellant.

Mr. Manjinder Singh Bhullar, DAG Punjab.

Mr. Jagjit Singh Lalli, Advocate for respondent No.2.

SANJAY VASHISTH, J.

1. Present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 read with Sections 482 and 528 BNSS, against the judgment dated 18.4.2025 passed by the Additional Sessions Judge, Jalandhar, whereby the application for grant of anticipatory bail to the appellant in a criminal case arising out of First Information Report, as detailed hereunder has been dismissed :-

Name of appellant (s)	FIR No.	Date	Section(s)	Police Station	District
Gourav Goel	26	4.4.2025	221 and 296 of Bharatiya Nyaya Sanhita, 2023 and section 3 (1) (s) of SC & ST Act	Division No.3	Jalandhar

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2. On 28.04.2025 following order was passed:-

“Present appeal has been filed under Section 14-A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short ‘SC & ST Act’) against the judgment dated 18.4.2025 passed by the Additional Sessions Judge, Jalandhar, whereby the application for grant of anticipatory bail to the appellant in FIR No.26 dated 4.4.2025 under Sections 221 and 296 of Bharatiya Nyaya Sanhita, 2023 and section 3 (1) (s) of SC & ST Act, registered at Police Station Division No.3, District Jalandhar, has been dismissed.

Inter alia, contends that the appellant has been falsely implicated into the FIR in question, there is no material much less tangible material to indicate that the appellant ever knew beforehand that the complainant was a member of the Scheduled Caste Community & the appellant is willing to join investigation and cooperate therein. To buttress his arguments, learned counsel for the appellant has relied upon the dicta of the judgment of this Court in **‘Arvind v. State of Haryana and another, 2024 (2) RCR(Criminal) 771’**, relevant whereof is reproduced herein:

‘9.3 As an epilogue to above discussion, the following principles emerge:

(I) A plea for grant of anticipatory bail/pre-arrest bail filed under Section 438 of Cr.P.C., 1973 is maintainable in respect of offence(s) alleged to have been committed under the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989.

(II) Such a plea can be granted only when judicial scrutiny of the factual matrix of such case reflects that; insofar as allegations pertaining to offence(s) under the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 are concerned; “No prima facie case is made out” or “the case is prima facie false” or “the case is motivated” or “the case is malafide ” or where “non-granting of such plea would cause miscarriage of justice or abuse of process of law”. It is neither fathomable nor pragmatic to lay down any exhaustive/conclusive parameters as to what would be the touch-stone to determine these aspects in a given case as every case has its own peculiar factual matrix.

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(III) A Special Court [a Sessions Court which has been duly notified as per Section 14(1) of the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989]/ an exclusive Special Court [duly established as per Section 14 the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989] is competent to adjudicate upon a plea for grant of anticipatory bail filed under Section 438 of Cr.P.C, 1973 in respect of offence(s) committed under the Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989. Such Special Court/exclusive Special Court ought not to decline such a plea solely on the ground of such a plea not being maintainable in terms of statutory provisions contained in Section 18/18(A) of the Act and is rather required to delve into the merits thereof in accordance with law. While exercising its discretion, such Special Court/exclusive Special Court ought to consider the parameters enumerated hereinabove with respect to the accusations pertaining to 1989 Act.'

Notice of motion.

On the strength of advance notice; Mr. Amit Shukla, AAG, Punjab accepts notice on behalf of respondent no.1/State.

At this stage, Mr. J.S. Lalli, advocate has entered appearance on behalf of respondent no.2-complainant by filing his power of attorney. The same be kept on record.

Learned State counsel as also learned counsel for the complainant have vehemently opposed the prayer of anticipatory bail made at behest of the appellant.

Adjourned to 23.5.2025.

The appellant is directed to appear before the Investigating Officer on 5.5.2025 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the appellant shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the appellant shall join the investigation. He shall abide by the condition(s) enumerated under Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023."

3. Learned counsel for the appellant further submits that in

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compliance of the order dated 28.04.2025 passed by this Court, the appellant has already joined the investigation, and has fully co-operated. He submits that the custodial interrogation of the appellant is not warranted as nothing is to be recovered from his possession. Thus, he, prays for confirmation of the interim anticipatory bail order dated 28.04.2025.

4. On the other hand, learned State counsel as well as counsel for respondent No.2/complainant argue that there is a bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and therefore, appellant cannot be extended the concession of anticipatory bail. Even the appeal itself is not maintainable. However, respondents are unable to counter the legal proposition, put forth by the appellant and the same having been recorded in the order dated 28.04.2025 i.e. with regard to the observations made in '*Arvind v. State of Haryana and another, 2024 (2) RCR(Criminal) 771*'.

5. Heard learned counsel for the parties.

6. In fact, issue which has been argued and already noticed by this Court, also requires to be adjudicated before the Court examining the issue whether the provisions of SC/ST Act could be attracted or not in the absence of any such knowledge to the appellant. Since the appellant has joined the investigation and his custodial interrogation is no more required, present appeal is allowed and judgment dated 18.4.2025 passed by the Additional Sessions Judge, Jalandhar, dismissing the anticipatory bail of the appellant is set aside and ad-interim order dated 28.04.2025 passed by this Court is hereby made absolute.

However, appellant shall continue to join the investigation as and when required to do so and abide by all the terms and conditions laid

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down under Section 482(2) of BNSS, 2023.

7. Besides, it is directed that appellant would hand over his passport to the Investigating Agency or to Court concerned, if he possesses. Otherwise, would submit an affidavit, disclosing the fact that he does not possess any passport.

It is also directed that before leaving country any time during trial, appellant would seek prior permission of the Court.

8. Accordingly, appeal stands disposed of.

07.07.2025
Janki

(SANJAY VASHISTH)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No