



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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206

CRA-S-2537-2025

Date of Decision : 09.09.2025

LAKHWINDER SINGH

...Appellant

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondents

**CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY**

Present: Mr. R.S. Rai, Senior Advocate with  
Mr. Rehan Gupta, Advocate  
for the appellant.

Mr. Gautam Thapar, Sr. DAG, Punjab.

Mr. Ramandeep, Advocate  
for respondent No.2-complainant.

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**AARADHNA SAWHNEY, J. (ORAL)**

1. This order shall dispose of appeal filed by appellant, Lakhwinder Singh, son of Sadha Singh, resident of Village Haryau Khurd, Tehsil Patran, District Patiala, against order dated 31.07.2025, passed by learned Additional Sessions Patiala, vide which application for grant of anticipatory bail of appellant-accused in case FIR No.169 dated 25.07.2025 registered against him, for the commission of offences punishable u/s 108, 3(5) of BNS (Section 3(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 added later on), at Police Station Patran, District Patiala, was dismissed.

2. Relevant facts as emerging from documents on record be noticed hereinbelow:-

Sh. Malkit Singh (respondent No.2 in the present appeal), son of



late Sh. Kapur Singh and Parmeet Kaur w/o Harpreet Singh (since deceased), set the criminal law in motion by *filing a complaint pointing therein that he has two children, elder son named - Davinder Singh and younger daughter Rajwinder, who is married. At about 12.00 PM on 25.07.2025, he (complainant) along with his family members were at home. His son Davinder Singh (since deceased), aged about 50 years and Davinder's friend Harpreet Singh (since deceased) were also present, when Lakhwinder Singh (appellant herein) arrived and started levelling allegations against both Davinder and Harpreet (who were plying truck of Lakhwinder Singh), that they had committed theft of Rs.65,000/-. In this context, an altercation occurred. Later, both Davinder and Harpreet were called by Lakhwinder (A) at his shop Pal Motors, Sangrur Road, Patran, where Lakhwinder (A) and his accomplices thrashed the boys. Kala Singh, son of Kapur Singh, also reached at the shop. Complainant further pointed out that both Davinder and Harpreet were so upset by the incident, felt humiliated to an extent that they consumed Sulfas tablets, when they reached home. As their condition started deteriorating, they were rushed to CHC Patran, from where they were referred to Rajindra Hospital, Patiala. But unfortunately, the two of them died on the way. Towards the end, complainant also pointed out that Lakhwinder Singh (A), nephew of Lakhwinder Singh, brother of Lakhwinder Singh, Desa, son of Buggar Khan, Lakhwinder, son of Gej Singh, hurled cheap abuses at Davinder and Harpreet Singh, who both felt deeply insulted and took this extreme step.*

With this backdrop, complainant, who lost his son Davinder Singh and his son's friend Harpreet Singh, requested the police authorities to catch hold of all those who were responsible for the death of the boys, as also



to initiate appropriate criminal proceedings against them. On the basis of said complaint, a criminal case vide FIR No.169 dated 25.07.2025 was registered against Lakhwinder Singh and others for commission of offence punishable u/s 108, 3(5) of BNS.

Postmortem examination was got conducted at Rajindra Hospital Patiala on 26.07.2025, after which the viscera from the dead bodies was handed over to IO for depositing the same with the Chemical Analyst. The said report is still awaited.

Co-accused - Desh Raj @ Desa was arrested on 28.07.2025.

On the following day i.e. on 29.07.2025, complainant /respondent No.2, made a supplementary statement, clarifying therein the names of brother and nephew of Lakhwinder Singh, who had also actively participated in the incident, as Jeet Singh @ Jeeta Lahoria and Saranjit Singh @ Saran, son of Joga Singh, respectively. Complainant also referred to a conversation between him and his brother Kala Singh, who disclosed that while all were present at Pal Motors, Sangrur Road, Patran, Lakhwinder Singh (A) and others had used abusive language and derogatory words "*Churreya*" in the name of caste against Harpreet Singh (since deceased, friend of son of complainant). They all were saying "*how would you not return my money, Churreya, I will get money from you by any means, you do not have any status that you can steal our money and do not return it.*". On the basis of the aforesaid supplementary statement, Jeet Singh @ Jeeta Lahoria and Saranjit Singh @ Saran, son of Joga Singh were nominated as additional accused and offence under Section 3(1) (s) of SC/ST Act was added vide DDR No.20 dated 30.07.2025.

On the same day i.e. 30.07.2025, co-accused - Lakhwinder @



Pal, son of Gej Singh was arrested. Despite best efforts made by the investigating agency present appellant - Lakhwinder Singh, son of Sadha Singh, his brother Jeet Singh and nephew - Saranjit Singh could not be arrested and look out notices were issued against them.

3. As noted above, an application for grant of anticipatory bail filed by the present appellant was dismissed by the learned Additional Sessions Judge, Patiala vide order dated 31.07.2025. Aggrieved of the same, the present appeal has been filed.

4. Sh. R.S. Rai, learned Senior counsel for the appellant submits that appellant, a hard working dedicated Punjab Police employee has been falsely implicated. Allegations levelled against him and his family members are totally frivolous. Incident has been given a different colour by complainant party, only with a view to harass appellant and his family, as also to extract illegal monetary benefit from them. Continuing further learned Senior counsel submits that, both, son of complainant, namely, Davinder Singh and Harpreet Singh had committed theft of Rs.65,000/- from the truck owned by the family of the appellant. They were repeatedly requested to return the money, but to no avail. In fact, complainant was also apprised of the necessary details, who assured that needful would be done at the earliest and the money would be returned. On 25.07.2025, no such incident as alleged by complainant occurred at Pal Motors, Sangrur Road, Patran. Both the deceased were never assaulted by either the appellant or the other accused, which fact stands corroborated from the copy of the postmortem report, where no injury was noticed on the body of either one of them by the doctors, who conducted the postmortem. Present appellant, as per learned Senior counsel, was only asking for his rightful due from both



the deceased and in stern words had told them to account for Rs.65,000/-, which the two had stolen in the past and had also admitted this fact. In fact, not only both Davinder and Harpreet, but also their families had been assuring that the money would be returned. But these promises were not kept. Demanding one's own money, as per learned Senior counsel, can by no stretch of imagination, be construed as “*inciting*” or “*provoking*” someone, as also to bring them to such a situation where they have no option but to end their life.

Learned Senior counsel further submits that the very fact that in the supplementary statement (dated 29.07.2025), suffered by complainant 04 days after the alleged incident, new facts were introduced, only with a view to add gravity to the offence, throws light on the falsity of the entire case set up by complainant. As per learned Senior counsel, even if for the sake of arguments (though not admitted to be true), it is presumed that serious verbal altercations had taken place at the site (Pal Motors) and in the heat of the moment, unintentionally, some unparliamentary word was used, but neither the appellant nor others intended to hurt the feeling of SC/ST community as a 'Class'. The entire incident, when analysed as a ‘*whole*’ and not in piecemeal, leads only to one inference and that is that no offence at all under Section 3(1) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is made out.

In support of his contentions, learned Senior counsel places reliance following judgments of the Hon’ble Supreme Court:-

- (i) “**Abhinav Mohan Delkar Vs. The State of Maharashtra & others**” (*Criminal Appeal Nos.2177-2185 of 2024*), decided on 18.08.2025.



(ii) *“Shajan Skaria Vs. The State of Kerala & another” (2024 SCC Online SC 2249)*, decided on 23.08.2025.

Reliance has also been placed on the judgment of this Court titled as *“Navneet Chauhan and others Vs. State of Haryana and another” (CRR-1206-2019)*, decided on 05.02.2025.

Summing up his arguments, learned Senior counsel contends that the presence of appellant is not needed for custodial interrogation, as nothing is to be recovered from him, he is, however, ready and willing to join the investigation as and when required by the Investigating Officer.

5. Detailed Status Report dated 25.08.2025 by way of affidavit of Mr. Inderpal Chohan, Deputy Superintendent of Police, Sub-Division Patran, District Patiala, has been filed by the respondent-State, which is taken on record. In para 10 thereof, it has been pointed out that during the course of investigation, ownership details of trucks No.PB-11BA-7625 and PB-11DF-8925 were verified from the concerned authority. Both the trucks are registered in the name of Jaswinder Singh, son of Jagtar Singh and Ramesh Singh, son of Roop Singh, both residents of District Patiala. Ramesh Singh had executed Power of Attorney in favour of present appellant on 06.01.2025, authorizing him to carry out the activities/dealings with regard to the truck bearing registration No.PB-11DF-8925. As regards the other truck, Sharanjeet Kaur, wife of Jaswinder Singh gave an affidavit deposing therein that the said truck had in fact been purchased by Lakhwinder Singh (present appellant), who had got the same registered in the name of her husband late Jaswinder Singh, as also that Lakhwinder Singh had engaged both Davinder Singh and Harpreet Singh as drivers. Investigating agency, was also able to lay hands on certain bank statements of present appellant



which indicated financial transactions between him and Davinder Singh (deceased). In para 12 of the status report, it has been specifically mentioned that brother of the present appellant, namely, Sharanjit Singh had tried to abscond from the country but the police authorities were able to nab him.

Respondent No.2-complainant also filed a detailed reply opposing the appeal on the ground that the appellant, a police official, thoroughly abused his official position, as also that he (A) in connivance with the other accused not only assaulted both Davinder Singh and Harpreet Singh but also insulted, humiliated them in the public and threatened to implicate them in a case under NDPS Act. Both the boys though begged for mercy and were so terrified on account of threats issued by appellant, a police official that they were driven to a point in their life, where they had no option but to kill themselves.

6. Sh. Ramandeep Singh, learned counsel for respondent No.2 submits that just after the incident on 25.07.2025, a video had been prepared by late Davinder Singh and late Harpreet Singh, in which they poured their heart out and brought to light the misconduct of present appellant and others. The said video in the shape of CD and transcript thereof has also been placed on the file as Annexure C-1 and C-2, respectively. Learned counsel submits that a bare perusal of the transcript goes to show the mental stress and agony being suffered by both the deceased, who had been repeatedly denying having committed theft of Rs.65,000/-. Worst still, even then they had requested appellant that they would ply his truck and not demand their due remuneration, but he was not satisfied.

Both, Sh. Gautam Thapar, Sr. DAG and Sh. Ramandeep Singh, learned counsel for respondent No.2, sum up their contention by urging that



in view of role played by the present appellant, a police official, in the entire incident, the only invincible and logical inference that can be drawn is that he and other accused incited, abetted and instigated both Davinder and Harpreet and brought them to a situation in life where the boys had no option but to end their life. In view of the seriousness and gravity of offence, both the counsel submit that no case for grant of pre-arrest bail is made out in favour of the appellant. Dismissal of the appeal was prayed for.

7. Before expressing any opinion on the merits of the rival contentions raised by learned Senior counsel for the appellant, learned State counsel accompanied by the learned counsel for the complainant/respondent No.2, it would be appropriate to refer to certain relevant judgments of Hon'ble Supreme Court, wherein the factors to be kept in mind while dealing with an application for grant of anticipatory bail, have been discussed.

In "*P. Chidambaram vs. Directorate of Enforcement, ((2020) 13 SCC 791*), Hon'ble the Supreme Court observed as under:-

"67. Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 Cr.P.C 1973 is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to



*be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”*

In **“Prasanta Kumar Sarkar Vs. Ashis Chatterjee and another” (AIR 2011 SC (CRIMINAL) 209)**, Hon'ble Supreme Court stated that :-

*"9. We are of the opinion that the impugned order is clearly unsustainable. It is trite that this Court does not, normally, interfere with an order passed by the High Court granting or rejecting bail to the accused. However, it is equally incumbent upon the High Court to exercise its discretion judiciously, cautiously and strictly in compliance with the basic principles laid down in a plethora of decisions of this Court on the point. It is well settled that, among other circumstances, the factors to be borne in mind while considering an application for bail are:*

- (i) whether there is any prima facie or reasonable ground to believe that the accused had committed the offence;*
- (ii) nature and gravity of the accusation;*
- (iii) severity of the punishment in the event of conviction;*
- (iv) danger of the accused absconding or fleeing, if released on bail;*
- (v) character, behaviour, means, position and standing of the accused;*
- (vi) likelihood of the offence being repeated;*
- (vii) reasonable apprehension of the witnesses being influenced; and*
- (viii) danger, of course, of justice being thwarted by grant of bail.”*

It would also be appropriate to refer to go through certain



relevant judgments of Hon'ble Supreme Court on the issues in hand:-

In “***Amalendu Pal @ Jhantu vs State of West Bengal***” (2010 (1) SCC 707), Hon’ble Supreme Court held as under:-

“12. Thus, this Court has consistently taken the view that before holding an accused guilty of an offence under [Section 306](#) IPC, the Court must scrupulously examine the facts and circumstances of the case and also assess the evidence adduced before it in order to find out whether the cruelty and harassment meted out to the victim had left the victim with no other alternative but to put an end to her life. It is also to be borne in mind that in cases of alleged abetment of suicide there must be proof of direct or indirect acts of incitement to the commission of suicide. Merely on the allegation of harassment without their being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, conviction in terms of [Section 306](#) IPC is not sustainable.”

In “***Abhinav Mohan Delkar’s case (supra)***”, Hon’ble Supreme Court observed as under:-

“22. What comes out essentially from the various decisions herein before cited is that, even if there is allegation of constant harassment, continued over a long period; to bring in the ingredients of [Section 306](#) read with [Section 107](#), still there has to be a proximate prior act to clearly find that the suicide was the direct consequence of such continuous harassment, the last proximate incident having finally driven the subject to the extreme act of taking one’s life. Figuratively, ‘the straw that broke the camel’s back’; that final event, in a series, that occasioned a larger, sudden impact resulting in the unpredictable act of suicide. What drove the victim to that extreme act, often depends on individual predilections; but whether it is goaded, definitively and demonstrably, by a



*particular act of another, is the test to find mens rea. Merely because the victim was continuously harassed and at one point, he or she succumbed to the extreme act of taking his life cannot by itself result in finding a positive instigation constituting abetment. Mens rea cannot be gleaned merely by what goes on in the mind of the victim.*

23. *The victim may have felt that there was no alternative or option, but to take his life, because of what another person did or said; which cannot lead to a finding of mens rea and resultant abetment on that other person. What constitutes mens rea is the intention and purpose of the alleged perpetrator as discernible from the conscious acts or words and the attendant circumstances, which in all probability could lead to such an end. The real intention of the accused and whether he intended by his action to at least possibly drive the victim to suicide, is the sure test. Did the thought of goading the victim to suicide occur in the mind of the accused or whether it can be inferred from the facts and circumstances arising in the case, as the true test of mens rea would depend on the facts of each case. The social status, the community setting, the relationship between the parties and other myriad factors would distinguish one case from another. However harsh or severe the harassment, unless there is a conscious deliberate intention, mens rea, to drive another person to suicidal death, there cannot be a finding of abetment under [Section 306](#).*

24. *We have already seen that even a rebuke to “go, kill yourself”; often a rustic expression against distasteful conduct, cannot by itself be found to have the ingredients to charge an offence of abetment to suicide. There is no uniformity in how different individuals respond and react under pressure. Many stand up, some fight back, a few runaway and certain people crumble and at times take the extreme step of suicide. To put the blame on the pressure imposed and the person responsible for it, at all times, without something more to clearly discern an*



*intention, would not be the proper application of the penal provisions under [Section 306](#).”*

As regards grant of anticipatory bail in cases registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Hon'ble Supreme Court in “***Shajan Skaria Vs. The State of Kerala and another***” (2024 SCC Online SC 2249) held that if the complaint does not make out a *prima facie* case for applicability of the provisions of the Act, 1989 then the bar created by Sections 18 and 18-A(i) shall not apply and thus, the court would not be precluded from granting pre-arrest bail to the accused persons. It was further held that offence under [Section 3\(1\)\(r\)](#) of the Act, 1989 is not established merely on the fact that the complainant is a member of a Scheduled Caste or a Scheduled Tribe, unless there is an intention to humiliate such a member for the reason that he belongs to such community.

In “***Kiran Vs. Rajkumar Jivraj Jain and another***” (SLP(Crl.) No.8169 of 2025) decided on 01.09.2025, Hon'ble Supreme Court held that *though Section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 expressly excludes application of section 438 Cr.P.C., but this bar operates as a rider only when no prima facie case under Section 3 of the SC/ST Act is made out and the allegations are totally devoid of merit, Court retains the discretion to grant anticipatory bail under Section 438 Cr.P.C. (now Section 482 of BNSS).*

8. Reverting back to the case in hand, facts leading to the lodging of the FIR have already been noticed in para 2 of this order. During investigations, as can be inferred from the Status Report filed by the State, certain documents were collected by the investigating agency, which reveal



that trucks bearing No. PB-11BA-7625 and PB-11DF-8925 were owned by the appellant, as also that the son of the complainant, late Davinder Singh and late Harpreet Singh had been deputed as driver thereof. Plea of the appellant that both the deceased had stolen Rs.65,000/- in the past and that he was merely asking them to return the said amount, does not depict any positive overt-act, on his part to have aided, instigated, abetted, incited the commission of suicide by both Davinder Singh and Harpreet Singh has not found favour with the Court. It needs to be reiterated here that appellant is a Punjab Police employee. From the documents and other connecting circumstances brought on record, it *prima facie* emerges that appellant thoroughly abused his official position. Despite visiting the house of the complainant and reprimanding both, late Davinder and late Harpreet for allegedly committing theft of Rs.65,000/-, he (appellant) summoned both the boys at Pal Motors, Sangrur Road, Patran, on the following day, where he along with other accomplice openly insulted them and threatened to implicate both of them in a case under NDPS Act. Expectedly, the two of them were terrified, keeping in view the official position of the appellant, who could have actually executed his threat. Further, the plea of the appellant that the castiest slur (*Churriya*) hurled at Harpreet Singh were unintentional and was blurted out at the heat of the moment, during the course of verbal altercation has also not appealed to the judicial conscience of this Court for the act, conduct of the present appellant night before the incident, as also on the day of the incident and other surrounding circumstances *prima facie* indicate that the abusive castiest slur spoken in “*Public view*” were intended to humiliate Harpreet Singh on account of caste identity.



Resultantly, in view of the discussion made hereinabove, the Court is of the opinion that appellant has not been able to make out a case of exceptional depravity/hardship in his favour, entitling him for the grant of this extra ordinary relief of pre-arrest bail.

Accordingly, the present appeal stands dismissed.

**(AARADHNA SAWHNEY)**  
**JUDGE**

**09.09.2025**

*Nisha Yadav*

<i>Whether Speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>