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

1. CRA-S-2015-2025  
RAKSHAK LAMBA @ RAKSHAK .....APPELLANT  
**VERSUS**  
STATE OF HARYANA AND OTHERS .....RESPONDENTS
2. CRA-S-2016-2025  
DEVENDER @ DEVENDER SINGH @ JONY .....APPELLANTS  
**VERSUS**  
STATE OF HARYANA AND OTHERS .....RESPONDENTS

**DECIDED ON: 29.07.2025**

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.**

Present: Mr. Sandeep Kumar, Advocate,  
for the appellant(s) (in both the cases).

Mr. Pawan Kumar Jhanda, DAG, Haryana.

**SANJAY VASHISTH, J (ORAL)**

1. Present appeals have been filed by the appellants, challenging the order dated 23.06.2025, passed by learned Additional Sessions Judge, Narnaul, whereby anticipatory bail of the appellants, in case bearing FIR No.47, dated 02.05.2025, under Section(s) 115, 191(2), 191(3), 351(3) of BNS, 2023, and Section 3(2)(va) of SC/ST Act, registered at Police Station Kanina, District Mahendergarh.

2. By reading out the contents mentioned in the FIR, counsel for the appellants contends that, appellants had no prior knowledge of the complainant Naresh's caste or community. It is argued that the incident in



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question appears to be a sudden altercation among college students, during which the complainant – Naresh, along with co-victim Ajay, sustained simple injuries.

3.                      In fact, both Naresh and Ajay are stated to have suffered multiple injuries in the course of the scuffle. Counsel for the appellants further submits that applicability of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, remains uncertain at this stage and is a matter that will be determined by the trial Court upon a thorough examination of the evidence, which is yet to be presented by the prosecution. Moreover, appellants are ready to join the investigation and fully cooperate, if protected from arrest by this Court. Thus, prays for grant of concession of anticipatory bail to the appellants in the present case.

4.                      On the other hand, learned State counsel has filed status report (in both the appeals) in the Court today and the same is taken on record.

Learned State counsel submits that while the injury sustained by the injured Ajay has been declared as simple, nature of the injury suffered by the complainant Naresh is still under observation, and no conclusive medical opinion has been given, so far. Furthermore, learned State counsel was unable to point to any specific instance in the FIR that would indicate the appellants had prior knowledge of the complainant's caste.



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5.                      This Court has heard the submissions advanced by the counsel for both parties and has carefully considered the contents of the FIR.

6.                      On a *prima facie* assessment, it appears that custodial interrogation of the petitioner may not be essential in the present case, and applicability of the provisions of the SC/ST Act is yet to be determined during the course of the trial, based on the evidence that may be brought on record.

7.                      Since the direct application of the SC/ST Act is doubtful at this preliminary stage, there appears to be no statutory bar to consider the appellants' prayer for grant of anticipatory bail. Accordingly, present appeals are allowed.

8.                      Accordingly, appellants (in both the appeals) are directed to join the investigation within two weeks from today, and in the eventuality of the arrest, appellants would be released on anticipatory bail, subject to their furnishing bail bonds to the satisfaction of the Arresting Officer. The appellants shall also be abide by all the conditions laid down under Section 482(2) of BNSS, 2023 (earlier Section 438(2) Cr.P.C.).

9.                      Besides, it is directed that appellants would hand over their passport to the Investigating Agency or to Court concerned, if they possess. Otherwise, they would submit an affidavit, disclosing the fact that they do not possess any passport.

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



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10. A photocopy of this order be placed on the file of other connected case.

29.07.2025  
*Lavisha*

**(SANJAY VASHISTH)**  
**JUDGE**

*Whether speaking/reasoned*      *Yes/No*  
*Whether reportable*              *Yes/No*