



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

322

CRA-S-1819-2025

Date of Decision: 03.07.2025

Manjit Singh

... Appellant

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARAPresent: Mr. Nonish Kumar, Advocate,
for the appellant.

Mr. Naveen Kumar Sheoran, D.A.G., Haryana.

Mr. Ashit Malik, Advocate and
Mr. Sagar Aggarwal, Advocate,
for the complainant.

FIR No.	Dated	Police Station	Sections
131	08.05.2025	Babain	351(2) of BNS, 2023 and Sections 3 (1) (R)(S), 3 (2) (va) of the SC/ST Act, 1989

Aggrieved by the dismissal of his bail under section 482 BNSS, 2023, the accused-appellant 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. The appellant had filed a bail application before the Additional Sessions Judge, Kurukshetra which was dismissed on 22.05.2025.

3. 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.

4. As per paragraph 19 of the grounds of appeal, the appellant has clean antecedents

5. The facts of the case are being taken from the status report filed by the State, which reads as follows:



"2. That the present FIR was registered on the statement of Maan Singh son of Jeet Singh, a member of the Scheduled Caste Community and serving as a Granthi at the Gurudwara Sahib in Isherheri. He alleged that on the morning of 08.05.2025, at around 7:00 A.M., he went to the house of Jaspal Singh in the village to collect milk. Manjeet Singh's house is located near Jaspal Singh's residence. After collecting the milk and as he was leaving Jaspal Singh's house, Maan Singh saw Manjeet Singh standing outside his home. At that moment Manjeet Singh verbally abused him using caste-based slurs such as "Gittal," "Deid," and "Chamad," and further threatened to kill him if he passed through the street again. The complainant did not respond and quietly returned to the Gurudwara Sahib.

3. That on the basis of above said complaint the present FIR no.131 dated 08.05.2025 under Section 3 of SC/ST Act (Section 351(2) of BNS and Section 3(1), (R), (S), 3(2) (va) of Scheduled Castes and Scheduled Tribes (prevention of Atrocities), Act 1989 (Amendment 2015) added later on during investigation of the present case and intimation regarding registration of present case also sent to the higher authorities."

6. The allegations are of abusing and threatening the people belonging to the scheduled castes by using the derogatory words prohibited under the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCSTPOA).

7. Counsel for the appellant submits that the appellant is willing to hand over an affidavit to the Investigating Officer, undertaking not to repeat the offence in future, without conceding or admitting guilt, and in such language as may be prescribed by this Hon'ble Court. The appellant'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 his family.

8. State as well as counsel for the complainant strongly oppose the bail and refers to the status report.

REASONING:

9. Given the undertaking by counsel for the petitioner that petitioner will not repeat the offence in future, there would be no justifiability for custodial or pre-trial incarceration at this stage. Even a prima facie perusal of paragraphs 5 & 6 of the grounds of appeal needs consideration for bail.

10. In *Siva v. State*, CrI.A. No.46 of 2024, decided on 01 Feb 2024, Justice M. Nirmal Kumar of Madras High Court, while granting bail, imposed the following condition,

[6] ...After executing all the sureties within 15 days from coming out of prison, the appellants shall file affidavit before the concerned Court which reads as follows:



“I, as a Citizen of India, having utmost faith in the Constitution of India, am quite aware that 'Untouchability' has been abolished under our Constitution. I, hereby, take pledge that knowingly or unknowingly, I will not practice social discrimination based on untouchability either by words or deeds or in any other manner. I am aware that it is my duty to serve in a true, honest and faithful manner, as per the basic principles laid down under the Constitution, to create an independent Society, without any discrimination. I solemnly affirm that this would stand to speak forever the faith I have in the Indian Constitution.”

11. The petitioner is also directed to hand over two affidavits, in the same terms, attested by any Executive Magistrate or Notarized, to the concerned SHO within two weeks, one copy for the case file and one for the victim.

12. The possibility of the accused influencing the investigation, tampering with evidence, intimidating witnesses, and the likelihood of fleeing justice, can be taken care of by imposing elaborative and stringent conditions. In *Sushila Aggarwal v. State (NCT of Delhi)*, **2020:INSC:106 [Para 92]**, (2020) 5 SCC 1, Para 92, the Constitutional Bench held that unusually, subject to the evidence produced, the Courts can impose restrictive conditions.

13. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the Appellant-Accused makes a case for bail.

14. Given above, provided the Appellant-Accused is not required in any other case, the Appellant-Accused shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

15. While furnishing a personal bond, the Appellant-Accused shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number, (If available), when the attesting officer/court thinks appropriate or considers the accused as a flight risk.	



3.	Mobile number (If available)	
4.	E-Mail id (If available)	

16. This order is subject to the Appellant-Accused's complying with the following terms. The Appellant-Accused shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The Appellant-Accused shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

17. The Appellant-Accused is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The Appellant-Accused shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The Appellant-Accused shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the Appellant-Accused shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

18. Given the nature of the allegations and the other circumstances peculiar to this case, the Appellant-Accused shall not enter the property, workplace, and residence of the victim until the statements of all non-official and informal witnesses in the trial are recorded. This Court is imposing this condition to rule out any attempt by the accused to incapacitate, influence, or cause any discomfort to the victim. Reference be made to *Vikram Singh v Central Bureau of Investigation*, 2018 All SCR (Cri.) 458; and *Aparna Bhatt v. The State of Madhya Pradesh*, 2021:INSC:192, 2021 SCC Online SC 230.

19. This order does not, in any manner, limit or restrict the rights of the Police or the investigating agency from further investigation as per law.

20. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offence in this FIR, and if the new section prescribes maximum sentence which is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above, then, in that case, the Investigator/Officer-In-Charge shall give the appellant notices of a minimum of seven



days providing an opportunity to avail the remedies available in law.

21. It is clarified that if the Appellant-Accused violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the Appellant-Accused move for deletion or dilution of any bail conditions, the trial court is empowered to do so.

22. *This bail is conditional, and the foundational condition is that if the Appellans-Accused indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall have the liberty to cancel this bail.*

23. Any observation made hereinabove is neither an expression of opinion on the merits of the case nor shall the trial Court advert to these comments.

24. In return for the protection from incarceration, the Court believes that the accused shall also reciprocate through desirable behavior.

25. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

Appeal allowed in aforesaid terms. All pending applications, if any, stand disposed.

**(ANOOP CHITKARA)
JUDGE**

03.07.2025

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: No.