



CRA-S-2327-2025

-1-

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

205

CRA-S-2327-2025

Decided on:- 02.09.2025

Hariom

....Appellant

Versus**State of Haryana and another**

....Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Shakti Mehta, Advocate
for the appellant.

Ms. Aditi Girdhar, AAG, Haryana.

Mr. Sukesh Kumar Jindal, Advocate
for respondent No. 2.

* * * * *

AMARJOT BHATTI, J.(Oral)

1. Appellant Hariom has filed appeal against impugned order dated 23.07.2025 passed by learned Special Judge-Additional Sessions Judge, Rohtak, whereby anticipatory bail application filed by appellant has been dismissed in FIR No. 187 dated 04.07.2025 under Section 115 (deleted lateron), 115(2) (added lateron), 333, 351(2), 75(2), 79 (added lateron) of Bharatiya Nyaya Sanhita, 2023 and Section 3(2)(va) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC&ST Act') registered at Police Station Sadar Rohtak.
2. Facts of the case are, prosecutrix gave her statement that she is a home maker and residing in village Ghillour Khurd alongwith her family for the last 10 years. On 30.06.2025, she was working beside the cattle when Hariom resident of their village suddenly entered her house abusing, uttering casteist remarks. She tried to get him out of her house and Hariom had a scuffle with her and molested her. On the hue and cry raised by her,



CRA-S-2327-2025

-2-

her husband came for her rescue. Accused gave beating to her husband and threatened to kill them. Thereafter, he went outside her house. With these allegations, present FIR has been registered.

3. Learned counsel for appellant argued that his anticipatory bail application was declined vide impugned order dated 23.07.2025 passed by learned Special Judge-Additional Sessions Judge, Rohtak on the ground that his anticipatory bail application was not maintainable on account of specific bar created under Section 18 of SC&ST Act. Infact, present FIR has been lodged on the basis of false and concocted statement of respondent No. 2. No such occurrence took place. Infact, there is a dispute regarding lease of agricultural land belonging to Panchayat. Respondent No. 2 and her husband used to reside in their village by taking premises on rent and used to take Panchayati land on lease. With the intervention of present appellant, Panchayati land was leased out to another person and for this reason they nourished grudge against him and is falsely implicated in this case. There is no independent corroboration to the facts narrated by respondent No. 2. Even if contents of FIR are looked into, there is nothing on record to show that any casteist remarks are allegedly uttered in public view. However, allegations are denied by learned counsel for appellant. Infact, no offence is made out and provisions of Section 18 of SC&ST Act are not attracted. Appellant is ready to join investigation and will cooperate with Investigating Agency.

4. Present appeal is opposed by learned counsel representing respondent No. 2 as well as learned counsel representing State of Haryana. It is pointed out that appellant is also attributed brick bat blows on the person of prosecutrix/respondent No. 2 and her husband. Prosecutrix was



CRA-S-2327-2025

-3-

taken to hospital for treatment. Copy of her MLR is Annexure R-1 and her statement recorded before the Magistrate under Section 183 of BNSS, 2023 is Annexure R-2. Custodial interrogation of appellant is required. Even otherwise, anticipatory bail is barred in terms of Section 18 of SC&ST Act. Therefore, anticipatory bail application filed by appellant was rightly rejected vide order dated 23.07.2025 passed by learned Special Judge-Additional Sessions Judge, Rohtak.

5. I have considered the arguments and have gone through the record carefully. Anticipatory bail application filed by appellant was mainly rejected in view of provisions of Section 18 of SC&ST Act, 1989. As per the facts narrated in FIR, appellant entered the house of prosecutrix and uttered casteist remarks and on the hue and cry raised by her, her husband had reached on the spot. It is further alleged that appellant caused injuries to both of them with brick bats. Firstly, in the case in hand, alleged incident took place within the four walls of the house of prosecutrix/respondent No. 2. As per MLR, there is reference of two injuries on the person of prosecutrix/respondent No. 2 i.e. lacerated wound and other complaint of pain over lower aspect of left leg with no external injury. Appellant was not armed with any weapon. No recovery is to be effected. As per version of appellant, he is falsely implicated in this case on account of allotment of Panchayati land to another person which was earlier cultivated by husband of prosecutrix/respondent No. 2. Matter requires thorough investigation. Appellant is ready to join investigation. Aforesaid factual position is not considered by learned Special Judge-Additional Sessions Judge, Rohtak while deciding anticipatory bail application vide which it was declined by passing impugned order dated



CRA-S-2327-2025

-4-

23.07.2025. Without expressing my mind on the merits of case, appeal preferred by appellant Hariom is allowed and impugned order dated 23.07.2025 passed by learned Special Judge-Additional Sessions Judge, Rohtak is accordingly, set aside. Appellant Hariom be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to conditions that appellant will join investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 482(2) Bharatiya Nagarik Suraksha Sanhita, 2023 (erstwhile Section 438(2) Cr.P.C.).

6. Pending application(s), if any, also stands disposed of accordingly.

02.09.2025*lalit***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No