



In the High Court of Punjab and Haryana, at Chandigarh

Criminal Appeal No. S-2873 of 2025

Date of Decision: 15.09.2025

Inderjit Singh and Another

... Appellant(s)

Versus

State of Punjab and Another

... Respondent(s)

CORAM: Hon'ble Mr. Justice Surya Partap Singh.

Present: Mr. H.S.Dhindsa, Advocate
for the appellant(s).

Surya Partap Singh, J.

1. This is an appeal against the order dated 08.08.2025, hereinafter being referred to as 'impugned order', passed by the learned Special Judge, Ludhiana, designated under Section-14 of the Scheduled Tribes (Prevention of Atrocities) Act, 1989, hereinafter being referred to as 'SC&ST Act'. By virtue of abovesaid order, the application for anticipatory bail moved by the appellant has been dismissed.

2. The above-mentioned application for anticipatory bail was moved by the petitioner in a case lodged against him vide FIR No.12 dated 15.02.2025, for the commission of offence punishable under Sections 115(2), 118(1), 296, 351(1), 3(5), 126(1) of the Bharatiya Nyaya Sanhita, 2023 and Section 3 of the SC&ST Act, Police Station Jodhan, District Ludhiana.

3. The FIR, in this case, came into being on the statement of Jaspreet Singh, wherein he alleged that in the morning of 13.02.2025, his

mother Pritam Kaur and sister-in-law Swaran Kaur told him that they had gone to their plot in shamlat land for preparing cow dung cakes, and that Hardeep Singh @Deepa had arrived there and prevented them from making cow dung cakes. It was also told that Hardeep Singh @Deepa had used abusive language also.

4. According to complainant, thereafter, he along with Navjot went to the spot and found Amrik Singh, his son Inderjit Singh and Hardeep Singh there. As per complainant, Amrik Singh was carrying a baseball bat, Inderjit Singh an iron rod and Hardeep Singh a kirtch (sharp-edged weapon). The complainant further alleged that all the above named persons attacked him, inflicted injuries on his person and used abusive language in the name of his caste. It is the case of the prosecution that in view of afore-mentioned statement, a formal FIR was lodged and the investigation taken up.

5. Notice of motion.

6. Since advance notice has already been served upon the State, Mr. Eklavya Darshi, Deputy Advocate General, Punjab, accepts notice on behalf of the respondent, and waives service. The learned State counsel has opted not to file formal reply to the petition. However, he has orally opposed the present appeal.

7. Mr. Jitender Singh Dadwal, Advocate, enters appearance on behalf of the respondent No.2/complainant. He has also orally opposed the present appeal for according benefit of bail to the appellant.

8. Heard.

9. It has been contended by learned counsel for the appellants that an error has been committed by the learned Special Judge while dismissing

the application for anticipatory bail, merely by recording a finding that the abovesaid application was not maintainable. According to learned counsel for the appellants, the learned Special Judge has failed to appreciate that in view of allegations contained in the FIR any offence under Sections 3 and 4 of the SC&ST Act is not made out.

10. It has been further contended by learned counsel for the appellants that in fact, the appellant No.1 was injured by the complainant in the same incident and that with regard to injury, suffered by the appellant No.1, a medico-legal report was prepared by the doctor. According to appellants, with regard to above incident, the police recorded the DDR No.30 dated 26.03.2025 at the instance of appellant No.1. As per learned counsel for the appellants, as a counter-blast, to wriggle out of the consequences of above-mentioned complaint of appellant No.1, the respondent No.2 has resorted to filing of false complaint after five months of the incident. It has also been pointed out by learned counsel for the appellant that at the initial stage, when the matter was investigated by the police, it was found that there was no substance in the complaint of respondent No.2, but later on, due to political pressure, a false FIR has been lodged.

11. Learned State Counsel has controverted the above-mentioned arguments. As per learned State Counsel, in the instant appeal, no valid ground for setting aside of order, passed by the learned Special Judge, Ludhiana, is made out. According to learned State Counsel, on the basis of complaint, the FIR has been lodged and the contents of FIR reveal that an offence under Sections 3 of the SC&ST Act is made out against the appellant. As per learned State Counsel, once the above-mentioned offence

is made out and there is specific bar for grant of anticipatory bail, in view of Section 18 of the SC&ST Act, a right conclusion has been drawn by learned Special Judge while dismissing the application for anticipatory bail.

12. The record has been perused carefully.

13. A perusal of the record shows that in the present case, there are certain relevant factors, which need to be taken into consideration. Those factors are:-

- i) there is no denial of the fact that respondent No.2 belongs to Scheduled Caste.
- ii) both the appellants and respondent No.2 are residents of the same village and known to each other. This fact rules out the possibility that the appellants were not aware of the caste of the respondent No.2.
- iii) it is an admitted fact, as contained in the memorandum of appeal, that an incident had taken place and, if the version of the appellants is taken to be true, on its face value, injuries were suffered by appellant No.1` also, in the above-mentioned incident. The above-mentioned stand of the appellants establishes a fact that on 13.02.2025, a quarrel had taken place.
- iv) the allegations contained in the FIR shows, *prima facie*, that the incident had taken place at a public place in public view, where several persons were present.
- v) otherwise also, as per allegations contained in the FIR, hurt was caused on the person of respondent No.2. In this

regard, it is relevant to mention here that hurt is a scheduled offence under SC&ST Act and Section 3(2) (va) of the abovesaid Act brings the above-mentioned act of the appellants within the ambit of an offence under SC&ST Act.

14. If the cumulative effect of all the above-mentioned factors, involved in the instant case, are taken into consideration, while denying the benefit of anticipatory bail to the appellants, a right view has been drawn by learned Special Judge, Ludhiana and it has rightly been observed that the application of appellants seeking for anticipatory bail is not maintainable. Hence, I hold that the present appeal is devoid of any merits and deserves dismissal.

15. Accordingly, the present appeal is hereby dismissed.

(Surya Partap Singh)
Judge

September 15, 2025

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No