



CRA-S-2269-2025 (O&amp;M)

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

**CRA-S-2269-2025 (O&M)  
Date of decision: 27.08.2025**

AASIF AND ORS.

...APPELLANTS

VERSUS

STATE OF HARYANA AND ANR.

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA**

Present: Mr.Rajesh Lamba, Advocate with  
Mr. Abhinav Kaushik, Advocate for the appellants.

Mr. Atul Gaur, AAG, Haryana.

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**ANOOP CHITKARA, J. (ORAL)**

FIR No.	Date	Police Station	Sections
279	08.05.2025	Suraj Kund, District Faridabad	191(2)/115/126/190/191(2)/351(2)/238 BNS, 2023 and Section 3 of SC & ST (Prevention of Atrocities) Act added later on

1. Aggrieved by the dismissal of their bail under Section 482 of BNSS, 2023, the accused has come up before this Court by filing an appeal under Section 14 of Schedule Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SCSTPOA), seeking anticipatory bail.
2. The appellants had filed a bail application before the Sessions Court, Faridabad, which was dismissed on 19.07.2025.
3. Vide order dated 25.07.2025, the appellants were granted interim protection and the said order is continuing till date.
4. The facts and allegations are being taken the reply dated 26.08.2025 filed by the State, which reads as follows:

*"To Chowki Incharge Ankhir, Faridabad, I request that I, Vijay Kumar S/o Ram Narayan, am a resident of H.No. 103 Gandhi Colony, Faridabad. On 07.05.2025 at about 04.20 PM I had gone to buy goods on Shocking Deal, when Zafar Sabri S/O Hakim Ali Sabri came there and started abusing me, then I said why are you abusing me, give me the money for my plot on saying this, he slapped me on my face with both hands, then people intervened, then he called 10-15 boys who were carrying dandas and baseball batons in their hands. Zafar, Asif, Saif, Faizan, Tulli, Amir, they hit me with a hockey stick on the wrist of my right hand and with*



*a hockey baseball on the left hand and beat me with a hockey, danda on my entire body and other boys also beat me with kicks and punches and were saying that put him in the car and take him to a farm and kill him. Then when I got freed from there and ran away, all these boys stopped me and beat me up again. After that Sharwan Kumar rescued me then many people came there, all the boys, who were beating me, were saying that today you are saved, if we meet you again, we will kill you. They were saying that they will shove saffron colour into your ass and said if you have the guts then take money from us. I have been beaten up without any reason. Legal action should be taken against them. Applicant SD VIJAY KUMAR 9999858675."On the basis of above allegations, present FIR No. 279 dated 08.05.2025, under Sections 191(2), 115, 126, 190, 191(2), 351(2) of BNS, was registered at Police Station Surajkund, Faridabad."*

5. Counsel for the appellants submits that the appellants are 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 appellant(s) and their family. He further submits that they are ready to furnish affidavit in view of the ratio of judgment in **Siva v. State, Crl.A. No.46 of 2024, decided on 01 Feb 2024.**

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the reply, which read as follows:

*"13. That the appellants/accused are named in the FIR. Role of the appellants are that, on 07.05.2025, they abused the complainant/respondent No.2 with casteist remarks and had caused injuries to the complainant by giving beatings with hockey sticks, baseball, danda etc., due to which he received four injuries. As per CCTV footage, appellants Sasif Saifi, Farman Saifi and Saif Ali Sabri alongwith other co-accused are seen causing beatings to complainant, which attracts Section 3 of SC/ST Act against the appellants/accused. The allegations levelled against he appellants are grave and serious."*

#### REASONING:

8. In Prathvi Raj v. Union of India, 2020:INSC:157 [Para 10], AIR 2020 SC 1036, a three-judge bench of the Hon'ble 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.

9. 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).

10. Given the undertaking by counsel for the appellant(s) that appellant(s) 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.

11. The appellants were granted interim protection vide order dated 25.07.2025 and the said order is continuing till date, and during the interregnum, there is no allegation that they had intimidated the witnesses, hampered the investigation, or despite being called to join the investigation, did not appear before the investigator. Give the above, there would be no justification to discontinue the interim protection, which is made absolute. Moreover, appellant

12. Given above, the Appeal is allowed in terms mentioned above. Interim order 25.07.2025 is made absolute subject to the condition that appellant(s) shall furnish affidavit in view of the judgment passed in **In Siva v. State, Crl.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.”

13. The appellant(s) are 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.

14. Petition stands allowed. All pending applications, if any, stand disposed of.

27.08.2025  
*renubala*

(ANOOP CHITKARA)  
JUDGE

Whether speaking/reasoned: Yes/No  
Whether reportable: Yes/No