



CRA-S-2283-2025 (O&M)

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

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CRA-S-2283-2025 (O&M)
Date of Decision:-19.08.2025

Mustak Ali

.....Appellant

Versus

State of Haryana and Anr.

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Ashish Grewal, Advocate
for the appellant.

Mr. Paras Talwar, Senior DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present appeal has been filed seeking grant of anticipatory bail to the appellant in FIR No. 129 dated 10.07.2025 under Sections 115(2), 127(1), 333, 351(2), 354(2) of BNS, 2023 and Section 3(1) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, (hereinafter referred to as "SC/ST Act") registered at Police Station Buria, District Yamuna Nagar (Annexure P-1).

2. Learned counsel for the appellant submits that the entire allegations levelled in the FIR are wrong, incorrect and evasive. Learned counsel further submits that no such incident ever took place and it was only on account of earlier animosity that the present false FIR has been lodged. Learned counsel for the appellant has submitted that the ingredients



of Section 3(1) of SC/ST Act are not attracted as no such incident took place at any public place much less no independent witness was brought in.

3. Learned counsel for the appellant has relied upon the judgment passed by the Hon'ble Supreme Court of India in the case titled as "**Deepak Kumar Tala Vs. State of Andhra Pradesh and others**" in Criminal Appeal No. 1471 of 2025, and held para 5, which reads as under:

*"From a prima facie examination of the FIR, it is very clear that there is only one alleged instance of an insult/caste slur but there is no allegation that such offending statement was made in the presence of members of the general public. Hence, an essential ingredient for attracting Sections 2(1)(r) and 2(1)(s) of the SC/ST Act, i.e., that such statement must be made within "public view", as held by this Court in **Shajan Skaria v. State of Kerala**, is prima facie not made out from the FIR. Further, an examination of the FIR also shows that the allegations regarding the appellant's involvement in the alleged conspiracy for respondent no. 3's abduction and criminal intimidation are only inferential in nature, which can be established during trial."*

4. On the strength of the above, learned counsel for the appellant prays for grant of anticipatory bail to the appellant.

5. Issue notice of motion.

6. Mr. Paras Talwar, Senior DAG, Haryana, who is present in Court accepts notice on behalf of respondent-State and has vehemently



opposed the grant of concession of anticipatory bail to the appellant as there are specific allegations against the appellant that he has uttered the castiest remarks in a public street while the complainant was going to drop his children to the school. The theory that the FIR is a counter blast to the suit does not inspire much confidence as the said suit was filed somewhere in the year 2024 and more so, the complainant was already proceeded *ex parte* in the said proceedings.

7. Learned State counsel submits that *prima facie* allegations against the appellant construed the offence under the SC/ST Act as it is a matter of evidence as to whether the same were uttered in full public view or not, however, at this stage, it should be considered that the place of occurrence is a public place and there is no reason to disbelieve the complainant and the author of the FIR.

8. Heard learned counsel for the parties at length and considering the fact that as per the allegations levelled in the FIR, the time of incident happens to be at 08:00 A.M. when the complainant was going to drop his children to the school whereby the appellant stopped his vehicle in front of the complainant's motorcycle and started abusing him much less in front of the children of the complainant.

9. In light of the above, the judgment relied upon by the counsel for the appellant would not come to his rescue, as in that case, the factual matrix was that the accused therein had been locked in a room and got his signatures for transferring of the land and hence, any allegations of castiest remarks in public view were missing.



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10. Accordingly, finding no merit in the present appeal and hence, the same stands dismissed.

11. Pending application, if any, shall stand disposed of.

(ALOK JAIN)
JUDGE

August 19, 2025

Parul

Whether speaking/reasoned:-
Whether Reportable:-

Yes/No
Yes/No