

**CRA-S-141-2026 (O&M)**

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104+206**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**CRA-S-141-2026 (O&M)
Date of Decision : 12.02.2026**

Baldev Singh

....Appellant

VERSUS

State of Punjab and Others

....Respondent

CORAM : HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Anmol Sharma, Advocate and
Mr. Rakesh Kumar, Advocate for the petitioner.

Mr. Hardeep Hans, AAG Punjab.

Mr. A.S.Khinda, Advocate for respondents No. 2 and 3.

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MANDEEP PANNU J. (Oral)**CRM-5938-2026**

Allowed as prayed for subject to all just exceptions.

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1. The present appeal has been filed by the appellant against the impugned order dated 03.01.2026 passed by the learned Special Court, Kapurthala, whereby the anticipatory bail application filed by the appellant in FIR No. 106 dated 27.12.2025, registered under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, at Police Station Begowal, District Kapurthala, has been dismissed.

2. The case of the prosecution, in brief, is that complainants Sukhdev Singh and Hardev Singh moved an application before the SHO, Police Station Begowal, District Kapurthala, against the present appellant Baldev Singh. It has been alleged that the complainants belong to the Balmiki caste, whereas the



appellant Baldev Singh belongs to the Jat community. The parties are co-villagers and their land is adjoining to the land of the appellant. It is alleged that the appellant used to level false allegations against the complainants and their children and used to address them by saying, “kutio churio tuhanu chhadna nhi na hi tuhanu ethe rehn dena hai.”

3. It is further alleged that on 16.11.2025, when the complainant was not feeling well and was present in his house for rest and his friend Balwinder Singh was also present with him, at that time Baldev Singh was standing on his land and called them in bad names and also used abusive words with reference to their caste. The time of occurrence was around 11:00 a.m. The alleged reason behind the occurrence is stated to be a dispute between the complainant and his brother Hardev Singh with another brother regarding installation of CCTV camera at the house of Hardev Singh. It is also alleged that on the day of Diwali, when their children were cracking firecrackers and playing with a toy pistol, the appellant Baldev Singh clicked their photographs and sent the same to higher police officials. Thereafter, an enquiry into the matter was conducted, during the course of which the present FIR was registered against the appellant and investigation was initiated by the DSP, Bholath.

4. Learned counsel for the appellant has contended that the impugned order dated 03.01.2026 passed by the learned Special Court, Kapurthala, dismissing the anticipatory bail application, is wholly unsustainable in law and on facts. It is argued that the appellant has been falsely implicated on account of previous disputes between the parties, as the complainants belong to the Scheduled Caste community and the appellant belongs to the Jatt Sikh community and their lands are adjoining. It is submitted that the allegations in the FIR are concocted



and vague, inasmuch as no specific objectionable or caste-based words have been reproduced in the FIR, nor has it been shown that any such words were uttered in public view. Learned counsel submits that the incident is alleged to have occurred on 16.11.2025 at about 11:00 a.m., when the complainant was resting at his house and his friend Balwinder Singh had come to meet him, and it is alleged that the appellant, while standing in his land, used abusive language, however, the FIR was lodged only on 27.12.2025, i.e. after an unexplained delay of about one month and eleven days, which itself creates serious doubt regarding the veracity of the allegations. It is further contended that on the eve of Diwali, the children of the complainants were bursting crackers with toy guns and the appellant had merely clicked photographs and forwarded the same to higher police officials, and that in fact the son of the complainant had fired shots in the air with an illegal weapon on 03.11.2025, which incident was captured in the CCTV installed at the house of Surjit Singh and the footage was supplied to the DSP, Bholath on 14.11.2025 and thereafter to the SHO, Begowal on 18.11.2025, but no action was taken by the police and instead a false FIR has been registered to shield the complainant party. It is also submitted that the police acted in undue haste and registered the FIR on the very same day i.e. 27.12.2025 without conducting any proper enquiry by a competent officer, thereby showing connivance with the complainants. Learned counsel has further argued that from a bare reading of the FIR, no offence under Section 3(1)(s) of the SC/ST (Prevention of Atrocities) Act, 1989 is made out and, therefore, the bar contained in the Act would not apply and the appellant was entitled to the concession of anticipatory bail; however, the learned Court below failed to consider these aspects and dismissed the bail application in a mechanical manner.



5. On the other hand, learned State counsel, assisted by Mr. A.S. Khinda, Advocate, appearing on behalf of respondents No.2 and 3—complainants, has vehemently opposed the present appeal and submitted that the allegations levelled in the FIR are specific, categorical and attract the provisions of Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. It is contended that the appellant was fully aware that respondents No.2 and 3 belong to the Scheduled Caste community and despite such knowledge, he intentionally uttered caste-based and derogatory remarks against them in public view, thereby humiliating and intimidating them on account of their caste. Learned counsel has further submitted that in view of the clear bar contained in Section 18 of the SC/ST Act, the provisions of Section 438 Cr.P.C. are not applicable and anticipatory bail cannot be granted when a prima facie case under the Act is made out. It is argued that the FIR has been registered after due inquiry and the allegations cannot be termed as vague or omnibus at this stage. It is also pointed out that the appellant has concealed material facts and is involved in an earlier case bearing FIR No.13 dated 23.03.2024 under Sections 323, 341, 506, 34 IPC registered at Police Station Begowal, District Kapurthala, wherein similar casteist remarks were allegedly uttered by him, which shows his conduct and propensity. Learned counsel submits that the appellant is a habitual offender and does not deserve the discretionary relief of anticipatory bail. It is further contended that the impugned order passed by the learned Special Court is well-reasoned, based upon proper appreciation of facts and law, and calls for no interference by this Court. Accordingly, dismissal of the present appeal has been prayed for.

6. At the outset, insofar as maintainability is concerned, the present appeal is maintainable under Section 14A of the SC/ST Act, which provides a



statutory remedy of appeal against any order passed by a Special Court, including an order refusing anticipatory bail. Therefore, the objection with regard to maintainability does not survive and the appeal is held to be maintainable.

7. I have heard learned counsel for the parties and perused the record.

8. The primary question which arises for consideration before this Court is whether, from a bare reading of the FIR, a prima facie offence under Section 3(1)(s) of the SC/ST Act is made out so as to attract the bar contained in Section 18 of the Act.

9. Section 18 of the SC/ST Act excludes the applicability of Section 438 Cr.P.C. in cases involving arrest on accusation of having committed an offence under the Act. However, the legal position is no longer *res integra*. The Hon'ble Supreme Court in *Prathvi Raj v. Union of India, AIR 2020 SC 1036*, has held that the bar under Section 18 would not apply where no prima facie case is made out. It has been categorically observed that if upon judicial scrutiny the allegations do not disclose the essential ingredients of the offence under the Act, the protection under Section 438 Cr.P.C. is not completely excluded.

10. Further, this Court in *Lalit @ Lalli v. State of Haryana and another, CRA-S-3280 of 2023 decided on 30.08.2024*, while dealing with a similar issue, has held that where there is lack of prima facie material, delay in lodging the FIR and absence of any necessity for custodial interrogation, anticipatory bail can be granted notwithstanding the provisions of Section 18 of the Act. It was further observed therein that delay in lodging the FIR raises questions regarding the veracity and intent of the allegations and is a relevant factor while considering bail.

11. Coming to the facts of the present case, a careful perusal of the FIR shows that the alleged occurrence is stated to have taken place on 16.11.2025,



whereas the FIR has been registered on 27.12.2025. Thus, there is a delay of more than one month in lodging the FIR. No plausible explanation for such delay has been reflected in the FIR itself. Such delay, at least at this stage, creates doubt regarding the spontaneity of the allegations and is a factor which cannot be ignored.

12. More importantly, the allegations in the FIR are of a general nature. It has been stated that the appellant used to address the complainant and their children in an abusive and caste-based manner. However, it is not specifically mentioned as to what exact words were uttered on the date of occurrence i.e. 16.11.2025. There is no clear assertion in the FIR specifying the time, place and the presence of independent persons so as to satisfy the requirement that the alleged casteist remarks were made “in any place within public view”, which is an essential ingredient of Section 3(1)(s) of the Act.

13. The FIR does not disclose the exact words allegedly uttered on the said date. Rather, it contains general allegations that the appellant used to address the children in such a manner by using unparliamentary language. Such omnibus and vague allegations, without specification of the words used, the context in which they were uttered and whether they were uttered in public view, do not, at this stage, prima facie satisfy the statutory requirement of the provision invoked.

14. It is well settled that for an offence under Section 3(1)(s) of the Act, the insult or intimidation must be intentional and must be in public view. In the absence of specific averments to this effect, the mere allegation of abusive language, without particulars, would not automatically attract the rigours of the Act so as to bar consideration of anticipatory bail.



15. Furthermore, there is no material placed before this Court to show that custodial interrogation of the appellant is necessary. The case is based primarily on verbal allegations. The investigation, as per the record, is documentary in nature. The appellant has expressed willingness to join the investigation. There is nothing on record to suggest that he would abscond or tamper with the evidence.

16. In view of the law laid down by the Hon'ble Supreme Court in *Prathvi Raj (supra)* and the judgment of this Court in *Lalit @ Lalli (supra)*, this Court is of the considered opinion that from a bare reading of the FIR, no prima facie case under Section 3(1)(s) of the SC/ST Act is made out so as to attract the bar under Section 18 of the Act. Consequently, the embargo on the grant of anticipatory bail would not operate in the facts and circumstances of the present case.

17. Accordingly, the present appeal is allowed. The impugned order dated 03.01.2026 passed by the learned Special Judge, Kapurthala, is set aside. The appellant–Baldev Singh is ordered to be released on anticipatory bail in the event of his arrest in FIR No.106 dated 27.12.2025 registered under Section 3(1)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 at Police Station Begowal, District Kapurthala, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the Arresting/Investigating Officer and subject to the conditions envisaged under Section 438(2) Cr.P.C., including that he shall join the investigation as and when called, shall not influence the witnesses and shall not tamper with the evidence.

18. So far as the maintainability of the present proceedings is concerned, this Court is of the considered view that the remedy invoked by the appellant is an appeal under Section 14A of the Scheduled Castes and Scheduled Tribes

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(Prevention of Atrocities) Act, 1989, which specifically provides for an appeal against any order, not being an interlocutory order, passed by a Special Court or Exclusive Special Court, including an order refusing anticipatory bail. The impugned order dated 03.01.2026, whereby the application for anticipatory bail has been declined by the learned Special Judge, is clearly appealable under the said provision. The present proceedings are, therefore, not in the nature of a challenge to the registration of the FIR or its merits, but are confined to the correctness and legality of the order rejecting anticipatory bail. Consequently, the appeal is held to be maintainable under Section 14A of the Act.

19. All pending miscellaneous application(s), if any, stands disposed of.

February 12, 2026
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(MANDEEP PANNU)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No