



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

(140)

CRA-S-3224-2025 (O&M)

Date of decision : 24.03.2026

SUMAN LATA

... Appellant

Versus

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. B.S. Mamli, Advocate for the appellant

Mr. Neeraj Poswal, AAG, Haryana

Mr. Rajesh Lamba, Advocate for respondent No.2

MANISHA BATRA, J. (ORAL)

1. The instant appeal has been filed by the appellant against the order dated 01.10.2025 passed by the Court of Learned Additional Sessions Judge, Jhajjar in case arising out of FIR No.231 dated 20.08.2025 registered under Sections 3(1)(r) and 3(1)(u) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'SC/ST Act') at Police Station Beri, District Jhajjar whereby the application for grant of pre-arrest bail as filed by the appellant had been dismissed.

2. Brief facts of the case relevant for the purpose of disposal of this appeal are that the aforementioned FIR was registered on the basis of a written complaint submitted by the complainant-Deepak Kumar alleging therein that on



28.01.2023, he was watching videos in his mobile phone through YouTube App. and watched a video at ND Haryana channel. He started going through the comments made on that video and found that the petitioner, who is a Haryana Police employee had given comments while using objectionable language against the members of Scheduled Caste community casting slurs on the community. She had publicly and openly written the following words :-

“Unka to varsha biharan hai unka ke karle jinka biharan bhi nahin rahti chudi bhi nahin rahti chamari bhi nahin rahti aur ghr p aayi hoi b bhaj h”

By alleging that by using the aforementioned words, the petitioner had hurt the sentiments of members of SC community to which the complainant belonged and had insulted them, he, therefore, prayed for taking action against the petitioner.

3. After registration of FIR, investigation proceedings were initiated and are underway. Apprehending her arrest, the petitioner filed an application for grant of pre-arrest bail which has been dismissed by the Court of Learned Additional Sessions Judge, Jhajjar vide order dated 01.10.2025. Feeling aggrieved from the above order, the instant appeal has been filed.

4. It is argued by learned counsel for the appellant that the impugned order is not sustainable in the eyes of law as while passing the same, the learned Trial Court ignored the fact that the appellant herself had never made any comment on YouTube video. In fact, her daughter studying in 9th standard had



been using her phone and it was she who made the alleged comments on the video. The YouTube video on which the comment had been posted belongs to the father of the appellant. The appellant has never made any caste related comment to the complainant or any other person of the SC community. The ingredients for commission of any offence under the provisions of SC/ST Act are not attracted qua her. She has already joined the investigation. Her custodial interrogation is not required. No useful purpose would be served, if she is detained in custody. With these submissions, it is urged that the impugned order is liable to be set aside and the appeal deserves to be accepted and she deserves to be extended benefit of pre-arrest bail.

5. Per contra, learned State counsel assisted by learned counsel for the respondent No.2 has argued that the allegations against the appellant are serious in nature. The appellant made a comment on video uploaded on YouTube thereby intending to intentionally insult, intimidate the members of SC castes community within public view and to promote feelings of enmity hatred or ill-will against members of such community. The provisions of SC/ST Act are *prima facie* attracted in this case and as such the bar under Section 18 of the SC/ST Act was certainly applicable. It is argued that the learned Additional Sessions Judge, did not commit any illegality or irregularity in passing the impugned order and therefore, the same does not warrant any interference on merits or otherwise. It is further argued that though the appellant has joined investigation in compliance of order dated 16.10.2025 and has also handed over the device/mobile phone used for the purpose of making objectionable



comments on the video, however, no exceptional or extra-ordinary circumstance for grant of pre-arrest bail is made out in her favour. Moreso, the bar of Section 18 of the SC/ST Act is certainly attracted. With these broad submissions, it is stressed that the appeal is not maintainable and is liable to be set aside.

6. This Court has heard the rival submissions made by learned counsel for both the parties at considerable length.

7. The respondent No.2-complainant has placed on record Annexure R2/2, photocopy of transcript of some conversation which is shown to have taken place between the petitioner and respondent No.2. On a cursory perusal of this conversation it is revealed that after filing of complaint by the respondent No.2, the present appellant had made a call to respondent No.2 in which the appellant is shown to be questioning the respondent No.2 and asking him the reason of filing complaint against her and extending threats to him as well. The allegations *prima facie* make out a case for commission of offences under Section 3(1)(r) and 3(1)(u) of SC/ST Act. Undoubtedly, despite the bar created under Section 18A of the SC/ST Act that the provisions for grant of anticipatory bail are not applicable to the offences committed under this Act, this Court has extra-ordinary power to entertain a plea of an accused for grant of bail even in a petition filed under Section 482 of BNSS. However, that power can be exercised, if it is revealed that no *prima facie* material exists warranting arrest of the accused in a case. Reliance in this regard can be placed upon ***Prathvi Raj Chauhan vs. Union of India and others, AIR 2020 SC 1036***, wherein the Hon'ble Apex Court considered the impact of Section 18-A of the SC/ST Act



and held that as far as the provisions of Section 18-A and anticipatory bail are concerned, in case where no prima facie material exists warranting arrest in a complaint, the Court has inherent power to direct a pre-arrest bail. However, in the instant case, as discussed above, a prima facie case for commission of the aforementioned offences has been made out from the allegations in the FIR. As such, in the considered opinion of this Court, the provisions of Section 18 and 18-A of the SC/ST Act certainly apply to the present case. Therefore, anticipatory bail cannot be granted to the appellant. At this juncture, it may be mentioned that though the appellant has already joined investigation in compliance of the order dated 16.10.2025 passed in this case and her custodial interrogation might not be required, but only on that account, she cannot be held entitled to seek benefit of pre-arrest bail as the well settled proposition of law is that, if no case for custodial interrogation is made out by the prosecution, then that alone would not be a good ground to grant anticipatory bail. In this regard reliance can be placed upon *Sumitha Pradeep v. Arun Kumar C.K. and another, 2022(4) R.C.R. (Criminal) 977*, wherein it was observed by Hon'ble Supreme Court that there might be cases in which the custodial interrogation of an accused is not required but that does not mean that the *prima facie* case against the accused should be ignored or overlooked and he should be granted anticipatory bail. In view of the discussion as made above, finding no compelling ground to grant the concession of pre-arrest bail to the appellant, the present appeal is dismissed.



8. It is made clear that the observations made hereinabove are only for the purpose of deciding the present appeal and the same shall not be construed as an expression of opinion on the merits of the case.

9. The application bearing No.CRM-46189-2025 as filed by the respondent No.2 has become infructuous, in view of the order and is disposed of accordingly.

(MANISHA BATRA)
JUDGE

24.03.2026
Amit Sharma

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