

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)

CRM-M-33719 of 2021 (O&M)
Date of Decision: 19.8.2021

Pardeep Kumar @ Billa

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Chetan Kapoor, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG, Haryana.

JAISHREE THAKUR, J.

1. This is a petition that has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 132 dated 4.8.2021, under Section 354, 452, 506, 376 and 511 IPC (Sections 376 and 511 IPC omitted) registered at Police Station Women Police Station, District Karnal.

Learned counsel for the petitioner, *inter-alia*, would contend that the petitioner has been falsely implicated in the instant case. It is contended that the allegation that the petitioner tried to outrage the modesty of the complainant is not true, as Sections 376 and 511 IPC were omitted during the investigation. It is also argued that custodial interrogation of the petitioner would not be required as no recovery is to be effected from him and he is ready to join the investigation.

Appearance has been caused on behalf of the respondent—

State.

Learned counsel for the respondent—State would submit that there are specific allegations made that the petitioner herein had scaled the wall of the house of the complainant, committed trespass and thereafter tried to outrage the modesty of the complainant and attempted to commit the offence of rape. It is also argued that the petitioner and his family members nursed a grudge against the complainant as the petitioner along with his companion had attacked the brother-in-law of the complainant, namely Malkhan Singh on 25.2.2021 and had given a rod blow on his head with an intention to kill him. It is also submitted that there is a CCTV footage available which would reflect that the petitioner herein was seen outside the house of the complainant and had scaled the wall of the complainant's house with his upper torso without clothes and, therefore, the petitioner herein is not entitled to grant of anticipatory bail as his custodial interrogation is required.

I have heard the learned counsel for the parties and have perused a copy of the CCTV footage available which would clearly reflect that the petitioner trespassed into the house of the complainant at night with his upper torso being naked. There are serious allegations against the petitioner herein that he committed trespass at night after scaling the wall of the house of the complainant and tried to outrage her modesty and attempted to commit rape on her and also attacked the family members of the complainant. Under these circumstances, since custodial interrogation of the petitioner is required for unearthing the truthfulness of the allegations, this court is not inclined to grant anticipatory bail to the petitioner.

In view of the above, the instant petition is hereby dismissed.

However, it is made clear that any observations made herein above have been made only for the purpose of disposal of this petition, which shall have no bearing on the merit of the case.

19.8.2021
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No