

CRM-M-3851 of 2025

2025:PHHC:011103



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

CRM-M-3851 of 2025

Date of decision: 24.01.2025

Akash Nath

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. J.S. Dadwal, Advocate,
for the petitioner.

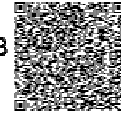
Ms. Gaganpreet Kaur, AAG, Haryana.

NAMIT KUMAR, J.

1. This petition has been filed by the petitioner under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.0571 dated 19.08.2024 registered under Sections 127(6) of the Bharatiya Nyaya Sanhita, 2023 and later on added Sections 137(2) and 87 of the BNS 2023 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sirsa City, District Sirsa.
2. Present FIR was got lodged by the complainant alleging that she is having two daughters and one son. His son is eldest and daughters are younger aged about 17 years and 11 years, respectively.

CRM-M-3851 of 2025

2025:PHHC:011103



The victim aged about 17 years had left her house on the night of 18.08.2024 without telling anything to anyone. They searched for her at their own. During investigation, the victim was recovered on 17.12.2024 and she was medico-legally examined at General Hospital, Sirsa, and was found pregnant. Her statement under Section 183 of the BNSS 2023 was got recorded on 18.12.2024 wherein she stated to have performed marriage with the petitioner.

3. Learned counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated in the present case. He contended that prosecutrix solemnised marriage with the petitioner with her consent. He further contended that there is delay of one day in registration of the present FIR. He contended that custodial interrogation of the petitioner is not required and he is ready to join the investigation.

4. Per contra, learned State counsel has opposed the prayer for grant of anticipatory bail to the petitioner on the ground that petitioner is accused of impregnating a minor girl. Custodial interrogation of the petitioner is necessary, therefore, he does not deserve the concession of anticipatory bail.

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

6. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh v. Pradeep Sharma (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. (now Section

CRM-M-3851 of 2025

2025:PHHC:011103



482 of the Bharatiya Nagrik Suraksha Sanhita, 2023) is somewhat extraordinary in character and it is to be exercised only in exceptional cases where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty.

7. Petitioner is accused of enticing away and impregnating a minor girl of 17 years of age and later on the pregnancy is alleged to have been aborted by him. The allegations against the petitioner are serious in nature. Custodial interrogation of the petitioner may provide information leading to discovery of material facts. Curtailing of his freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses at this stage.

8. Reliance can be placed upon the Hon'ble Supreme Court dictum passed in ***Prem Shankar Prasad v. The State of Bihar and another, 2021(4) RCR (Crl.) 598*** and ***Anil Kumar Singh v. High Court of Judicature at Patna through its Registrar General and another, (2020)19 Supreme Court Cases 364*** whereby the Hon'ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

9. No other point has been argued.

10. In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot *prima facie* be said to have been falsely enroled in the crime and his custodial interrogation is

CRM-M-3851 of 2025

2025:PHHC:011103



necessary in the case and that petitioner may abscond and misuse his liberty and, therefore, does not deserve concession of anticipatory bail.

- 11. In view of the above, the petition is dismissed.
- 12. However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

24.01.2025
R.S.

(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned

:

Yes/No

Whether Reportable

:

Yes/No