

CRM-M-6171 of 2025 (O&M)

2025 PHHC:059534



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

CRM-M-6171 of 2025 (O&M)

Date of decision: 06.05.2025

Nitin

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: - Mr. B.S. Rana, Sr. Advocate,
with Mr. Nayandeep, Advocate,
for the petitioner.

Ms. Priyanka Sadar, AAG, Haryana.

Mr. R.N. Shokla, Advocate,
for respondent No.2.

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.0440 dated 30.12.2024 registered under Section 127(6) of the Bharatiya Nyaya Sanhita, 2023 and later on added Sections 123, 65(1), 64(1) of the BNS and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Civil Line Jind, District Jind.

2. Present FIR was registered on the complaint of respondent No.2-mother of victim to the effect that on 30.12.2024, her daughter

CRM-M-6171 of 2025 (O&M)

2025 PHHC:059534



Sxxx and her brother went to Gol School Defence Colony Jind and after dropping victim at her school, brother of the complainant went to his class. There was exam of the victim and when her brother came after his exam then the victim was not found in class and he tried to search her in the school but he could not find the victim.

3. Learned Senior counsel for the petitioner has contended that the petitioner is innocent and has been falsely implicated in the present case. He further contended that there is no serious allegation in the FIR or in the video clip sent by the daughter of the complainant wherein she has stated that she was pressurised to make statement against the petitioner. He further contended that only it is alleged in the FIR that daughter of the complainant is missing from school. He further contended that petitioner has not committed any wrong with the daughter of the complainant. Nothing is to be recovered from the petitioner, therefore, his custodial interrogation 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 there are serious allegations against the petitioner. 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.

CRM-M-6171 of 2025 (O&M)

2025 PHHC:059534



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 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. As per status report filed by the State, on 02.01.2025 in her statement under Section 180 BNSS respondent No.2/complainant has stated that petitioner had taken the minor victim and her friend to Oyo Hotel near Rani Talab, Jind where he gave her something mixed with intoxicated substance for eating and thereafter she became unconscious. Petitioner committed wrong with the victim in Oyo Hotel and thereafter he went away after leaving the daughter of the complainant in the market. Thereafter, on 03.01.2025, statement of minor-victim under Section 183 BNSS was recorded before the learned Additional Chief Judicial Magistrate, Jind, wherein she has fully corroborated the version of statement of her mother under Section 180 BNSS. From the perusal of status report it also transpires that as per CCTV footage of the guest house, petitioner and minor victim were entering and going inside the guest house. The allegations against the petitioner are serious in nature. Custodial interrogation of the petitioner may provide information leading to discovery of material facts.

CRM-M-6171 of 2025 (O&M)

2025 PHHC:059534



Curtailling 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 enroped in the crime and his custodial interrogation is 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.

13. Pending application(s), if any, also stand(s) disposed of.

(NAMIT KUMAR)
JUDGE

06.05.2025
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No