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

Sr. No.212

**CRM-M-6980-2025 (O&M)**  
**Date of decision : 12.05.2025**

Manoj Kumar

..... Petitioner

VERSUS

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Aditya Sanghi, Advocate, for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Bhupinder Ghai, Advocate, for respondent No.2.

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**KIRTI SINGH, J. (Oral)**

1. Apprehending arrest in FIR No.05 dated 07.01.2025, under Sections 376(2) (n) and 354 IPC, registered at Police Station City Narnaul, District Mahendergarh, Haryana, the petitioner has preferred this petition under Section 482 BNSS, 2023 for grant of pre-arrest bail.

2. Translated version of the FIR is reproduced below:-

*“Jaswinder Kaur widow of Devender Singh Resident of House No. 2057, Housing Board, Colony, Narnaul Mobile Number 814653.3709, stated that I am resident of above mentioned address. Earlier I was working in Transport. Out of my first marriage I am having 2 kids. After taking place death of my husband Rajesh S/o Mamraj Resident of Kotputli Lakshmi Nagar out of whom I am having 1 daughter. Humanshi Chaudhary. Thereafter parents of Rajesh left and my daughter. And thereafter Rajesh and parents of Rajesh were not agreed to live with me. Then thereafter Panchayat of Nangal Chaudhary held at Panchayat Mohanpur pressured for living with Manoj S/o Surjit Singh and said either you may live as wife of Manoj*

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*or go back from where you had come. Thereafter under pressure of the family members of Rajesh I started living with Manoj, Manoj assured me that I shall solemnize marriage with you but Manoj Kept on forming physical relations with me till 9-10 years by decoying of solemnizing marriage and didn't solemnize marriage with me. One day my daughter Jashanpreet Kaur in the month of June 2024 he started molesting her with ill intentions and after I gone to sleep used to go the room of my daughter after consuming liquor and used to advance obscene gestures. My daughter told me everything. Then I tried to talk with Manoj but he stopped picking up my phone. He started living in his village at Mohanpur. Me and my both the daughters went to his office where mother of Manoj namely Savitri Devi and Sister-in-law (Bhabhi) of Manoj Deepika and other persons of Cow protection Group assaulted us shoed and from there. Gautam, Purushotam and Sudhir Chaudhary and other persons of Cow Protection Group together shoed us from there. I recorded my statement after coming present to Police Station City Narnaul in the presence of Legal Aid Counsel Anupriya Yadav. SD/- JASWINDER KAUR. Applicant JASWINDER KAUR wife of Devender Singh HUDA SEC- 1 HOUSING BOARD Mobile Number 8146533709.”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case on the allegations leveled by the complainant. It is submitted that the present FIR is a pressure tactic of the complainant and has been filed as a counter-blast to FIR No.145 dated 14.08.2024, under Sections 115, 333 & 351(2) of BNS, 2023 registered at Police Station Nangal Chaudhri against the complainant by the petitioner's brother. Further, there is a delay of five months in registration of the present FIR which was got lodged in January 2025 but the alleged occurrence is of July 2024. Learned counsel submits that no recovery of any

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kind is to be effected from the petitioner and he is willing to join investigation.

4. *Per contra*, learned counsel for the complainant-respondent No.2 has vehemently opposed the petition for grant of anticipatory bail to the petitioner and has submitted that on 21.07.2024, the daughter of respondent No.2 informed her that on the previous night when the petitioner was at their house, he touched her inappropriately while she was sleeping in her room. Thereafter, respondent No.2 visited the house of the petitioner to confront him about the same, but the petitioner started misbehaving with her and also beat her and her daughter. A detailed representation dated 23.07.2024 qua this incident was also made by respondent No.2 to the officials. On directions of this Court passed in CRM-M-40335-2024 vide order dated 21.08.2024 to look into the said representation, the present FIR was registered against the petitioner. Therefore, the averment of the petitioner that the FIR was lodged after delay falls flat. Learned counsel submits that when the factum of registration of an FIR against him came to the knowledge of the petitioner, he made multiple Whatsapp calls to respondent No.2 on 25.01.2025 and 26.01.2025, and threatened to kill her and implicate her in false cases if she does not settle the matter. Fearing her safety, respondent No.2 moved another representation dated 27.01.2025 to the concerned authorities (Annexure R/2-4). He submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of anticipatory bail.

5. Learned State counsel while referring to the status report dated 12.02.2025 filed by way of affidavit of Sh. Suresh Kumar, HPS, Deputy

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Superintendent of Police, Narnaul, District Mahendergarh submits that upon registration of the FIR, investigation was carried out. Thereafter, the statements of respondent No.2 and her minor daughter were recorded under Section 164 Cr.P.C. before the learned JMIC, Narnaul, wherein they reiterated the allegations leveled in the FIR. He further submits that the investigating officer made best efforts to apprehend the petitioner, but he was absconding. Even the application for anticipatory bail moved by the petitioner was dismissed by the learned Addl. Session Judge, Narnaul, vide order dated 17.01.2025 by passing a well reasoned order. Qua the contention of learned counsel for the petitioner that the present FIR is counter-blast to FIR No.145 dated 14.08.2024 registered by the petitioner's brother against respondent No.2, learned State counsel submits that respondent No.2 was granted bail in that case, and that the matter is subjudice. Therefore, in view of the serious allegations leveled against the petitioner of committed rape upon respondent No.2 on the pretext of false promise of marriage, doing wrong acts with her daughter, and also threatening her, the custodial interrogation of the petitioner is necessitated for effective and proper investigation.

6. Heard the rival submissions made by learned counsel for the parties and perused the record.

7. In **Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)**, Hon'ble Supreme Court held as under:

*“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is*

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*imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para No.24 of the judgment (supra) that **“though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then,*

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*person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

8. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, Courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

9. The general rule, put tersely, may be of bail, no jail; however, a just exception may be taken where there are circumstances which might thwart the course of justice. The antecedents of the accused or the probability of the accused fleeing, intimidating witnesses or tampering with the evidence, inter alia, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail.

10. *Prima facie*, there are serious allegations leveled against the petitioner of establishing physical relations with the complainant-respondent No.2 under the pretext of marriage, committing wrong acts with her daughter, and also giving beatings. It has also been alleged that the petitioner, upon registration of the present FIR, threatened respondent No.2 on call, regarding which representation was also moved by her.

11. In the light of the foregoing discussion, this Court is not inclined to grant the concession of anticipatory bail to the petitioner.

12. Accordingly, the petition is dismissed.

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Pending miscellaneous application(s), if any, also stands disposed of.

**(KIRTI SINGH)**  
**JUDGE**

**12.05.2025**  
Ramandeep Singh

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|-----------------------------|--------|
| Whether speaking / reasoned | Yes/No |
| Whether Reportable          | Yes/No |