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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10043-2025 (O&M)

Date of Decision: 21.03.2025

Hardeep Singh

....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

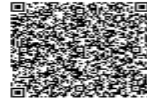
Present: Mr. R.S. Bains, Senior Advocate with
Mr. Inderpal Singh Deol, Advocate, for the petitioner.

Mr.P.S. Bhandari, AAG. Punjab.

JASGURPREET SINGH PURI, J. (Oral)

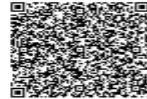
1. The present petition has been filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in FIR No.0070 dated 20.08.2024, under Section 75 of BNS Act, registered at Police Station Sudhar, District Ludhiana Rural, Punjab.

2. Mr. R.S. Bains, learned Senior Advocate with Mr. Inderpal Singh Deol, Advocate appearing on behalf of the petitioner submitted that it is a case where the petitioner has been falsely implicated. He submitted that as per the allegations, the complainant has so alleged that when she was sitting in a public transport i.e. a bus, then the petitioner came and misbehaved with her and touched her appropriately and made advances towards her which in fact was not possible in a public transport. He submitted that at the most it could have been a case of misunderstanding



with regard to the nature of touch but the petitioner is physically handicapped person having 40% disability as per the medical certificate attached alongwith the present petition as Annexure P-3 having a locomotive disability of 40% and it could have never been the intention of the petitioner to commit such an offence. He also submitted that the complainant is a lady of a mature understanding being a Nurse in All India Institute of Medical Sciences, Bathinda and therefore, the same may have been a result of misunderstanding. He also submitted that the petitioner has not committed any offence and therefore, he may be considered for the grant of anticipatory bail.

3. On the other hand, Mr.P.S. Bhandari, learned AAG. Punjab while referring to the reply/status report filed by the State submitted that it is a case where direct role is attributable to the petitioner and allegations against the petitioner are severe in nature. He submitted that the offence has taken place in a public transport i.e. a bus and at the same time, after the aforesaid offence was committed the complainant dialed the police at help line No.112 on the basis of the advise of the Conductor of the aforesaid bus and thereafter, the action was taken. He also submitted that the petitioner earlier was involved in one similar case of molestation against a woman, although in that case the petitioner stands acquitted. He submitted that considering the aforesaid gravity of the offence especially pertaining to the fact that the offence has taken place in a public transport and the offence is against the society at large, the custodial interrogation of the petitioner is required in the present case for the purpose of elicitation of truth. He also submitted that although in an earlier similar case as aforesaid, the petitioner



has been acquitted but that also is a relevant factor for considering the grant of anticipatory bail to the petitioner.

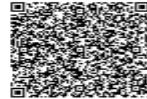
4. I have heard the learned counsels for the parties.

5. The allegations against the petitioner as contained in the FIR (Annexure P-1/T) are reproduced as under:-

“Statement deposed Bharati Gupta daughter of Sunil Kumar resident of house number 18, New Kundanpuri, Civil Lines Ludhiana, Police Station Division No. 08 Ludhiana, age about 27 years, mobile number 83605-73742, has stated that I am a resident of the above mentioned address and work as a Nursing Officer at AIIMS Hospital, Bathinda. On Date 17- 08-2024 time around 05:35 A.M I took a bus going from Ludhiana bus stand to Bathinda whose number is PRTC BUS NO. PB11-BP-0037. When the bus came out of the bus stand, a person boarded the bus. Whose name is Hardeep Singh, son of Hardev Singh, resident of A-7 Block F, PWSSEB Colony BRS Nagar Ludhiana, 98550-81457, who came and sat beside me, The person was appeared to be physically handicapped. I was sleeping with my head on the window, when the bus passed some distance, the man asked me, "if was a student" to which I did not answer his question. Then he came a little further and told me that the window is hard, but you can keep your head on my shoulders. I did not pay any attention to what he said but I found his behaviour very strange. Then I deliberately closed my eyes and kept my attention on him and I saw that he was constantly looking at my breast, suddenly he touched my breast and I pushed him away. I immediately went and told the conductor whose name was Bhola Singh mobile number 89685-67782 then

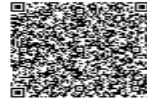


the conductor said that this person does this every day. This incident happened around Sudhar Bazaar, just before Raikot. I requested the conductor to stop me at the nearby police station. He said that There is no police post at any bus stand, there is only police post at Barnala bus stand on the way. Now you can call the helpline on 112 and 100. I immediately called on 112 and 100 and also called my father. Then I called 112 and he told me to inform at the nearest police station, so I told them that I am about to reach Barnala bus stand, then I got a call from police officer Sukhminder Singh and he said that we are at the bus stand Barnala. When we reached the bus stand, we found Sukhminder Singh. He listened to everything I said and took the said accused Hardeep Singh into his custody and Verbally told me that many complaints have been heard against this person in the past also. They told me that the incident that happened to you is of Sudhar town, hence you can file your complaint get registered at Ludhiana Rural Police Station. That I work in the nursing staff at AIMS Hospital, Bathinda. Today I am on duty from the hospital. As per the roster it was my rest day, the statements of my father Sunil Kumar and mother Kavita along with myself were recorded. I have written my statement in the presence of my parents, I have read it and heard it, it is fine. Sd/- Bharti Gupta 20.08.2024 at 8:00 PM, verified/- Karamjit Singh ASI P.S- Sudhar dated: - 20.08.2024, Action Police: - ASI was present at the police station, Bharati Gupta, daughter of Sunil Kumar, resident of house number 18 New Kundanpuri, Civil Lines. Ludhiana, Police Station Division No. 08, Ludhiana along with his father Sunil Kumar, ASI. She came near me and told me about her past conversation and said that I will write my statement



and take legal action. On which ASI Bhartiya Gupta called woman constable Jagdeep Kaur No. 67/Ludhiana (Rural) to her and statement was recorded in the presence of lady constable Jagdeep Kaur No. 67/Ludhiana (Rural) and read out in every letter, after listening and believing it to be true, signed her statement in English. Which has been verified by ASI. The matter is found to be one of physical molestation. On which the crime was found to be of 75 BNS, the statement was filed and a case was filed against Hardeep Singh son of Hardev. Singh, resident of A-7 Block F, PWSSEB Colony BRS Nagar, Ludhiana, was referred to Head Munshi at Police Station for registration. The case number should be known by registering the case. D.C.R. be informed. special reports to be issued. I ASI along with fellow colleagues were sent today at P.S- Sudhar at around 9:15 P.M. Correct/- Karamjit Singh ASI P.S- Sudhar dated 20.08.2024. Special report by hand PHG Harvinder Singh was given to Illaqa Magistrate and sent to senior officer. control room Ludhiana (Rural) was informed through wireless. Record is being compiled.”

6. As per the allegations, the offence had taken place in a public transport i.e, a bus and the complainant is stated to be working as a Nurse in All India Institute of Medical Sciences, Bathinda. An argument was raised by learned Senior Counsel for the petitioner that it could have been a result of a misunderstanding with regard to the touch, if any, cannot be accepted at this stage in view of the categorical allegations made against the petitioner by the complainant. It is not a case that the complainant and the petitioner were known to each other at any previous stage or that there was any allegation of *mala fide* against the complainant but it is a case where the



allegations were made by a passenger who is a lady without any allegation of any kind of *mala fide* against her. Not only this, the complainant called the help line No.112 of police immediately and thereafter action was taken against the petitioner. The alleged offence took place at a public place in a public transport. The mere fact that the petitioner was suffering from Locomotive disability to the extent of 40% itself cannot become a ground for grant of anticipatory bail to the petitioner in view of the serious allegations made against the petitioner in this regard.

7. After hearing learned counsel for the parties, this Court is of the considered view that the argument which has been raised by the learned State counsel that considering the allegations against the petitioner and the seriousness of the offence, the custodial interrogation of the petitioner is required for elicitation of truth cannot be ignored and carries weight. Therefore, considering the aforesaid facts and circumstances and particularly the fact that the alleged offence took place at a public place and in a public transport, this Court does not deem it fit and proper to grant anticipatory bail to the petitioner.

8. Consequently, the present petition is dismissed.

9. However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

21.03.2025

rakesh

(JASGURPREET SINGH PURI)

JUDGE

Whether speaking

:

Yes/No

Whether reportable

:

Yes/No