



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

206

CRM-M-13089-2025

Date of decision : 04.09.2025

Najar Singh

....Petitioner

V/S

State of Punjab and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Kulwinder Singh, Advocate for the petitioner.

Mr. Adhiraj Singh, A.A.G., Punjab.

Mr. Barjinder Singh, Advocate for respondent No.2.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'the BNSS) seeking anticipatory bail in case FIR No.146 dated 12.12.2024 registered under Sections 74, 75(1), 75(2), 75(3) & 76 of Bharatiya Nyaya Sanhita, 2023 at Police Station Longowal, District Sangrur.

2. Brief facts of the case are that on 12.12.2024, the victim made a statement before the police that her marriage was solemnized with Satnam Singh s/o Najar Singh (the present petitioner) in the year 2021 and out of the said wedlock, one child was born. Since her husband-Satnam Singh is habitual of taking intoxicant, therefore, on 14.11.2024, he was got admitted in De-addiction Centre, Kanakwal, Bhanguan. After her husband was sent to De-addiction Centre, her father-in-law Najar Singh (the present petitioner) started keeping bad

**CRM-M-13089-2025****2**

eye on her and whenever she was alone in the house, he used to talk to her and his actions were not proper with her. On 05.12.2024 at about 09:30 a.m., when her mother-in-law Baljit Kaur had gone to drop victim's son to school and only the victim and the petitioner were in the house, the petitioner taking the benefit of the situation, asked the victim to give him a glass of water and when she went to his room with glass of water, he offered her to have physical relations with him and when the victim refused to do so by saying that she is like his daughter then he caught hold of her arm and pulled her towards him and tried to remove her clothes and started pressurizing her to have physical relations with him. He caught hold her from breast and tried to throw on the cot and tried to molest her. She saved herself and went to the other room and bolted the room. After sometime, when her mother-in-law Baljit Kaur came home, the victim explained the entire incident to her mother-in-law by weeping, who said her not to raise any hue and cry otherwise they may be defamed in the society. Next day, she took the phone from her uncle father-in-law, who lived in neighbourhood and called her father and told him the entire incident. Upon which her father came to her matrimonial home and took her back to the parental home. On the basis of the said complaint, the instant FIR was registered.

3. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. No such incident, as has been alleged in the FIR, has ever occurred. Moreover, there is an undue and unexplained delay of 07 days in lodging the FIR. He submits that in fact, after the son of the petitioner



admitted in De-addiction Centre, Kanakwal Bhangan, the victim pressurized the petitioner to transfer the land in her name and when he refused to do so, she in connivance of his father got registered the instant FIR by making false allegations against the petitioner. He submits that the petitioner is not involved in any other case. He further submits that no recovery is to be effected from the petitioner and he is ready to join the investigation. Therefore, the petitioner may be granted anticipatory bail.

4. Per contra, learned State counsel assisted by learned counsel for the complainant, while referring to the averments made in the status report, has vehemently opposed the prayer for grant of anticipatory bail to the petitioner on the ground that the allegations against the petitioner are serious in nature. He further submits that custodial interrogation of the petitioner is necessary for thorough investigation of the case, 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 record, the petitioner had approached this Court twice earlier. First petition filed by the petitioner seeking anticipatory bail was withdrawn by him, vide order dated 08.01.2025 passed in CRM-M-75-2025, on the ground that the matter has been settled between the parties and second petition filed by the petitioner was also withdrawn by him, vide order dated 27.02.2025 passed in CRM-M-6252-2025 with liberty to file fresh one on the same cause of action



CRM-M-13089-2025

4

with better particulars. Thereafter, the petitioner filed the instant petition and vide order dated 11.03.2025, on request made by learned counsel for the petitioner, the matter was referred to Mediation and Conciliation Centre of this Court.

7. As per report dated 08.04.2025 received from the Mediator, the matter remained unsettled as respondent No.2 did not appear before the Mediation and Conciliation Centre of this Court.

8. As per the prosecution, on 05.12.2024 at about 09:30 a.m., when no other family member except the petitioner (father-in-law of the victim) and the victim were in the house, the petitioner offered the victim to have physical relations with him and when she refused to do so, he caught hold of her arm and pulled her towards him and tried to remove her clothes. He caught hold her from breast and tried to throw on the cot and molest her. In her statement dated 13.12.2024 recorded before the Magistrate under Section 183 of BNSS, the victim reiterated the allegations levelled against the petitioner in her earlier statement made before the police.

9. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Pradeep Sharma : (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. (now Section 482 of the BNSS) 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. Also in determining the parameters in granting



anticipatory bail in cases of serious offences, the Hon'ble Supreme Court in ***Bhadresh Bipinbhai Seth v. State of Gujarat and another, (2016)1 SCC 152*** after analysing the entire law has observed as under: -

“23. xx xx xx xx xx

(a) *The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*

(b) *The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;*

(c) *The possibility of the applicant to flee from justice;*

(d) *The possibility of the accused's likelihood to repeat similar or other offences;*

(e) *Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*

(f) *Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;*

(g) *The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern;*

(h) *While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of*



harassment, humiliation and unjustified detention of the accused;

(i) The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;

(j) Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused in entitled to an order of bail. xx xx xx”

10. The allegations against the petitioner are serious in nature and his custodial interrogation may provide information leading to the discovery of material facts. Curtailing his freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses at this stage. Reliance can be placed upon the dictum of the Hon’ble Supreme Court in ***Prem Shankar Prasad Vs. The State of Bihar and another : 2021(4) RCR (Crl.) 598*** and ***Anil Kumar Singh Vs. High Court of Judicature at Patna through its Registrar General and another : (2020)19 Supreme Court Cases 364***, wherein 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.

11. No other point has been argued.

12. In view of the facts and circumstances of the case, I am of the considered view that the petitioner cannot *prima facie* be said to have been falsely enroped in the crime as the victim, in her statement recorded under Section 183 of BNSS, has corroborated the version of her statement recorded before the police and she had also not appeared



before the Mediation and Conciliation Centre of this Court to explore the possibility of amicable settlement with the petitioner and, therefore, custodial interrogation of the petitioner is necessary in the case and there is a likelihood that the petitioner may abscond and misuse his liberty. Thus, he does not deserve the concession of anticipatory bail.

13. In view of the above, the instant petition is accordingly dismissed.

14. However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

04.09.2025

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(NAMIT KUMAR)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No