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

Sr. No.102

**CRM-M-21999-2025 (O&M)
Date of decision : 13.05.2025**

Mandeep Singh

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Munish Behl, Advocate, for the petitioner.

Ms. Mahima Yashpal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

1. Apprehending his arrest, the petitioner has filed this petition under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) for grant of anticipatory bail in case FIR No.105 dated 17.06.2024, under Sections 376 & 506 IPC, registered at Police Station Sector-9, District Ambala.

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

“Statement of Manisha alias Manju daughter of Karam Singh, resident of House No. 5447, Street No. 115/13, Basant Nagar Burari, B-Block, Delhi, now tenant in House No. 136, Village Kanwla District Ambala, aged 25 years, Mobile No. 86074-36522. Stated that I am resident of above stated address and I have studied upto 8th class, Since the last about two years, I am residing in Village Kanwla, Ambala City in a tenanted house and I do work of cooking food in the houses situated in Army Area. Lalli alias Mandeep Singh is resident of Village Boh Babyal became my friend about two years back. Thereafter we came in relation. Mandeep Singh, by giving me allurements of marriage, is maintaining physical relations with

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me continuously since the last about two years. Whenever I state to him to solemnize marriage with me then he always put off the same. On dated 07/08.06.2024, I was at my home and then Mandeep Singh, at around 10:00 PM in the night, visited my house and again, by giving me allurement of marriage, raped me against my wishes and upon my refusal, he gave threat to kill me. Legal action may kindly be taken against Mandeep alias Lalli and justice may kindly be imparted to me. Statement has been got recorded, heard which is correct. Sd/ Manju, Attested Jasbir Kaur, ASI Police Station Sector-9 Ambala, Dated: 17.06.2024....."

3. Learned counsel for the petitioner *inter alia* submits that the petitioner is a driver with the mother of the complainant, and has been falsely implicated in the present FIR registered in connivance by the complainant and her mother, alleging that the petitioner established physical relations with the complainant on the false pretext of marriage. It is submitted that the mother of the complainant, who is not a person of clean antecedents, is running a business of falsely implicating young men in similar complaints and extorting money. Infact, prior to the lodging of the present FIR, the petitioner was also implicated in two other FIRs wherein he was later acquitted. Further, the petitioner had also lodged a complaint against the mother of the complainant, which though was later withdrawn on the basis of compromise. He further submits that the petitioner is willing to join investigation.

4. *Per contra*, learned State counsel has vehemently opposed the petition for grant of anticipatory bail to the petitioner. While referring to the status report dated 12.05.2025 filed by way of an affidavit of Sh. Vijay Kumar (HPS), Deputy Superintendent of Police (Hqs.), Ambala, she submits

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pursuant to the registration of the present FIR, investigation was carried out and on 18.06.2024, the complainant was medically examined at Civil Hospital, Ambala City and vide in the MLR dated 18.06.2024, the doctor opined that '*in my opinion, the possibility of sexual inter course cannot be ruled out*'. Thereafter, the complainant was produced before the learned Illaqa Magistrate, Ambala for recording her statement under Section 164 Cr.P.C., whereby she reiterated the allegations made in the FIR. Learned State counsel submits that notice was issued to the petitioner to join investigation in the present case, but to no avail. Infact, it came to light that the petitioner had travelled to Dubai on 08.07.2024, whereafter an application to issue a look out circular against the petitioner was moved by the investigating officer. Even after arriving back on 15.08.2024, the petitioner kept absconding, constraining the investigating officer to get issued an open dated arrest warrant against him. Qua the antecedents of the petitioner, it is submitted that the petitioner was found involved in two criminal cases of similar nature, however, he was acquitted in both of them. Insofar as the contention of the petitioner qua the habituality for filing such cases by the complainant and her mother is concerned, it was verified that the complainant in the present case is not the daughter of Rani, but is a tenant in her house, and that as per police records of the district, only the present case was found to be registered by the present complainant. It also came to light that there were three other cases registered against Rani (alleged by the petitioner to be the mother of the complainant), in two of which she has already been acquitted. Therefore, in view of the serious

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allegations against the petitioner, he is not entitled to the concession of anticipatory bail.

5. Heard the rival submissions made by learned counsel for the parties.

6. 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 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*

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

7. 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.

8. 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.

9. Based on the submissions made by the learned State counsel qua the antecedents of the petitioner and the complainant side, and that the petitioner has been actively trying to evade joining the investigation; and

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given the allegations leveled against the petitioner which prima facie are serious in nature and might warrant custodial interrogation to unearth their true dimensions, this Court is of the considered opinion that the petitioner is not entitled for the discretionary concession of anticipatory bail.

10. Accordingly, the petition is dismissed.

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

(KIRTI SINGH)
JUDGE

13.05.2025

Ramandeep Singh

Whether speaking / reasoned
Whether Reportable

Yes/No
Yes/No