



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

CRM-M-30697-2024 (O&M)

Date of Decision:24.04.2025

Dharambir Singh

.....Petitioner

Versus

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

Mr. J.S. Gill, Advocate for the complainant.

JASGURPREET SINGH PURI J.(Oral)

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.109 dated 02.05.2024, under Sections 323, 354, 452, 506 and 34 of IPC registered at Police Station Chhachhrauli, District Yamuna Nagar.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner was granted interim protection on 27.06.2024, whereby it was directed that no coercive steps be taken against the petitioner till the next date of hearing. Thereafter, the said interim order was continued from time to time. It is further submitted that the petitioner has since joined the investigation and therefore, he may be considered for the grant of anticipatory bail.



3. While giving the brief facts of the present case it is submitted by learned counsel for petitioner that the allegations made against the petitioner were that he along with one other co-accused, namely Parul, had gone to the house of the complainant and they had been putting an evil eye upon her for the last 1 and ½ years. The complainant also has a daughter of 1 and ½ years old. It is further alleged that they had earlier also been eve-teasing the complainant and passing bad gestures. On that date of incident i.e. 29.04.2024, at about 9:00 p.m. when she was alone at home and her husband was not at home, the petitioner, along with the other co-accused, came to the house of the complainant and molested her and her clothes were also torn. Thereafter, when an alarm was raised, the petitioner and the other co-accused also threatened her that she would be eliminated. Thereafter, when people assembled in the locality and even police help was sought by dialing the police helpline No. 112 then as per the allegations in the FIR, the petitioner was apprehended but in fact, it is a case where the petitioner was never apprehended.

4. He further submitted that rather the factual position as stated by complainant was otherwise incorrect because on the date of the incident i.e. 29.04.2024, when he was passing by the house of the complainant, some people caught hold of him and gave him beatings, regarding which he had lodged a DDR bearing No. GD Request No. 016 on the same date at 23:46 hours, which has been attached with the petition in the form of an application vide Annexure P-6. He further submitted that the present FIR was an afterthought, lodged with the intention to falsely implicate the petitioner.



5. He further submitted that there is another background to the present case that the husband of the complainant was an employee of one Harpreet Singh who was a truck owner whose father was murdered and in that case the petitioner was convicted and sentenced, however, his sentence has already been suspended by this Court. It is submitted that this is the reason as to why the petitioner has been falsely implicated in the present case and therefore, he may be considered for the grant of anticipatory bail.

6. On the other hand, learned State counsel, while referring to the reply, submitted that although the petitioner appeared before Investigating Officer (IO) for joining the investigation but he did not cooperate with the investigation process at all. He submitted that as per the FIR, when the petitioner and the other co-accused, namely Parul, went to the house of the complainant-victim, there was a third person waiting outside in a car and after the commission of the offence, they fled away in the car. However, when the petitioner joined the investigation, he neither disclosed the name of the said co-accused, nor did he provide any information about the car, nor the car could be recovered. Instead of cooperating with the investigation, he has completely failed to assist in the investigation process, despite the fact that an interim order directing that no coercive steps be taken against him had been passed by this Court. Therefore, he does not deserve the concession of anticipatory bail and rather his custodial interrogation is required not only for recovery of car used in offence but also for further elicitation of truth.

7. Learned State counsel, while further referring to the affidavit filed by the State further submitted that it is a case where custodial interrogation of the petitioner is required as he along with the other co-



accused, went to the house of the complainant during night hours and molested her and was thereafter beaten up by the local inhabitants. Despite this, he absconded, although a call was made to the police helpline No.112. However, on the date of the incident, no FIR was registered and it was lodged later on 02.05.2024. He also submitted that the petitioner is a habitual offender and is involved in as many as 11 other cases, the details of which have been provided in paragraph No.11 of the reply filed by the respondent-State. These details show that the petitioner has been convicted in two cases, including one case under Sections 302 and 216 IPC in which the sentence of the petitioner, has been suspended and another case under Sections 148, 149, 313, 427, and 452 IPC. In six other cases, he has been acquitted while in the remaining cases, he is still under trial and in some of these cases, he is also charged under the Arms Act. In one of the cases in which he was acquitted, he was also charged under Section 302 IPC. Thus, the petitioner has a criminal background and has been involved in 11 cases.

8. He further submitted that due to the petitioner's non-cooperation in the investigation process, the petitioner is not entitled for the grant of anticipatory bail and rather there is also a reasonable apprehension that, if anticipatory bail is granted to the petitioner, he may not only abscond from justice but he may also repeat such offence again and can also influence the witnesses. He also while seeking instructions, submitted that for the purpose of eliciting the truth from the petitioner, his custodial interrogation is required, and therefore, he has prayed for the dismissal of the present petition.

9. Learned counsel appearing on behalf of the complainant submitted that it is a case where, on the date of the incident, i.e., on



29.04.2024, when the petitioner along with the other co-accused had come to the house of the complainant, they molested her and torn the clothes, then the family members and other inhabitants called the police help-line No.112. In the meantime, the petitioner was also caught by the inhabitants and was beaten up, due to which he may have suffered injuries, as referred to by the petitioner in the DDR at Annexure P-6. Although the police noted his DDR but so far as the complainant is concerned, the FIR was not registered on the same date but was registered on 02.05.2024. Therefore, delay in registration of the FIR by the police would not mean that the petitioner is entitled for the grant of anticipatory bail. He also submitted that because of old rivalry, the petitioner was not only keeping an evil eye on the complainant but he had also been teasing and threatening the complainant for a long period of time. He also referred to the background of the enmity, stating that the husband of the complainant is an employee of one Harpreet Singh, whose father was murdered. In that murder case, the petitioner was convicted and that was the reason why the petitioner was keeping a bad eye on the complainant and had been pressurizing her, although his sentence was suspended. He also submitted that there is a reasonable apprehension that if the petitioner is granted anticipatory bail, he may repeat the offence and therefore, opposed the grant of anticipatory bail to the petitioner

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

11. On 27.06.2024, an interim order was passed by this Court that no coercive steps shall be taken against the petitioner until the next date of hearing. As per the learned State counsel, the petitioner has joined the investigation but has not cooperated in the investigation process at all.



Giving details, learned State counsel also submitted that not only the petitioner is having criminal antecedents, but he was also earlier involved in two cases under Section 302 of the IPC, in which the petitioner was acquitted in one case and convicted in the other case and his sentence in that case has been suspended but this conviction has a background pertaining to the allegations contained in the present case, as earlier stated not only by the learned State counsel but also by the learned counsel for the complainant.

12. As per the allegations contained in the FIR, there was a third accused as well, who was waiting outside in a car, in which, after the incident, the petitioner and co-accused escaped. At that point in time, it is the case of all the learned counsels for the parties that the petitioner was beaten up and he suffered some injuries, and thereafter, a DDR was recorded as per Annexure P-6. However the present FIR was lodged after about three days i.e. on 02.05.2024. The mere fact that the FIR was lodged with a delay of 03 days would not mean that it itself will become a ground for grant of anticipatory bail to the petitioner. For the purpose of considering the grant of anticipatory bail, the Court has to consider all the aspects, including the alleged role of the petitioner and as to whether he has cooperated in the investigation process or not. Learned State counsel has submitted, while referring to the reply filed by the respondent-State, that despite an interim order passed by this Court on 27.06.2024, directing that no coercive steps shall be taken against the petitioner, he has not cooperated in the investigation process and the car which was used in the offence has not been recovered. Learned State counsel also



expressed serious apprehension that, considering the background of the petitioner, who does not have clean antecedents and is involved in as many as 11 other cases, if the petitioner is granted bail, he may not only abscond from justice but may also repeat the offence and influence witnesses, cannot be ignored and carries weight. Hon'ble Supreme Court in the case of *State represented by CBI Vs. Anil Sharma, 1997 (7) SCC 187* held that in the nature of facts and circumstances of each and every case, if it can be seen that for the purpose of elicitation of truth, custodial interrogation is required, then the grant of anticipatory bail would itself be a counterproductive. After hearing all the learned counsels for the parties, this Court is of the considered view that it is a fit case where for the purpose of elicitation of truth, custodial interrogation of the petitioner would be required.

13. In view of the above, finding no merit in the present case and the same is hereby dismissed.

14. Interim order dated 27.06.2024 stands vacated.

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

(JASGURPREET SINGH PURI)
JUDGE

24.04.2025

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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No