



CRM-M-39070-2025

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

(101)

CRM-M-39070-2025  
Date of Decision:- 23.07.2025

Surender

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE ALOK JAIN**

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Present: Mr. M.S. Bhatti, Advocate for the petitioner.

Mr. Amandeep Singh Samra, AAG, Punjab.

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**ALOK JAIN, J. (Oral)**

1. The present petition has been filed for grant of anticipatory bail to the petitioner in case FIR No. 62 dated 17.06.2025 under Sections 75/78/79/351(2) of the BNS, 2023, registered at Police Station Naya Gaon, District SAS Nagar (Annexure P-3).

2. Learned counsel for the petitioner submits that the entire allegations levelled in the FIR are wrong and incorrect and are an outcome of the *mala fides* of the complainant. Counsel further submits that the petitioner is a care taker of the property in which the complainant was a tenant and had not paid the rent from April 2025 and all the efforts made by the petitioner to receive the rent were not being honoured. It was in the backdrop of that situation that certain phone calls were made by the petitioner for asking the rent from the complainant. Counsel also submits



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that, in fact, the complainant herself has been using vulgar language and sending obscene voice notes to the petitioner. He further relies upon the legal notice issued by the owner of the property on 02.05.2025 as the complainant had not been paid the rent for the last two months and as a counter blast to the said legal notice, the present FIR was lodged. It is also submitted that the petitioner is handicapped with 70% disability.

3. *Per contra*, learned State counsel submits that despite various notices issued to the petitioner by mobile phone and written summons, the petitioner did not join the investigation. The evidence produced by the complainant especially the voice recordings which were submitted in a pen drive were duly examined and it was found that the petitioner has sent sexual harassing messages to the complainant and had also cut the electricity and water supply of the premises in which the complainant was residing, however, those messages have not been brought on record in this petition.

3.1 It is the specific finding recorded in the police report that the petitioner can be heard mentioning his connections with criminal elements and therefore, the FIR was lodged. He also relies upon the categoric finding recorded by the Court below in para 8 where the voice notes were duly played, heard and examined by the Court.

4. Heard learned counsel for the parties, considering the seriousness of offence and the *prima facie* proof that the recovery of mobile phone from which above said voice notes were sent is to be done and the fact that the petitioner has claimed to be connected with hardened criminal elements and in light of the settled principle of law as held by the Hon'ble



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Supreme Court of India in the case of “**CBI Vs. Anil Sharma**”, (1997) 7 SCC 187, wherein, it has been held as under:

*“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is well ensconced with a favourable order under Section 438 of the Code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible Police Officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring would not conduct themselves as offenders.”*

5. Accordingly, the custodial interrogation of the petitioner would be of grave importance, at this stage, to ensure that the investigation in this case comes to its logical end.

6. In light of the above, I do not find any ground to grant the extra ordinary concession of anticipatory bail to the petitioner, hence, the same is dismissed.

**(ALOK JAIN)**  
**JUDGE**

**23.07.2025**

Parul

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