

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40589-2025
Reserved on: 07.08.2025
Pronounced on: 26.08.2025

Kapil ...Petitioner

Versus

State of Punjab ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Raghav Taneja, Advocate,
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
87	03.06.2025	City Fazilka, Punjab	132 of BNS, Sections 66(A) and 67 of Information Technology Act, 2000

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per paragraph 13 of the bail petition, the petitioner he has no criminal antecedents.

3. The facts and allegations are being taken from the translated copy of FIR annexed with the petition as Annexure P-1, which reads as follows:

“While on duty at Civil Hospital Fazilka, an unknown person entered the office and misbehaved with Mrs. Sunita (Matron) and Mrs. Praveen Mary, who were performing their official duties. The said unknown person started recording a video inside the office without permission and misbehaved with both ladies, using abusive language. Sir, it is requested that strict action be taken against this person and he be identified and appropriate legal steps be initiated. Complainant Sunita (Matron) contact number: 62398xxxx, Co-complainant Praveen (Matron) contact number: 74863xxxx. The incident occurred on 02-06-2025 at 12:25 PM. After verifying the facts, the unidentified person was found to be Mr. Kapil Khatri (70090xxxx) Therefore, it is requested that legal action be taken as per the rules and an institutional FIR be lodged immediately. On 02-06-2025, a written complaint was forwarded by the Senior Medical Officer (SMO), Civil Hospital Fazilka, confirming that video recording and misbehavior happened inside the hospital. The undersigned requests legal action under Sections 132 BNS, 66A and 67 of the IT Act. A copy of the FIR may be emailed to Civil Hospital Fazilka for record-keeping.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and

contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the reply.

7. It would be appropriate to refer to the following portions of the reply, which reads as follows:

"The evidence against the petitioner:-

That complainant Sunita, Matron, Parveen Merry, Staff, Nurse, Dr. Edison Eric, SMO, Civil Hospital, Fazilka and Rupesh Bansal, Press Reporter son of Surinder Kumar, resident of Street Pujarian, Street No.16, Fazilka stated that Kapil Khatri now petitioner captured the video clip without the consent of the nursing staff of Civil Hospital, Fazilka. The nursing staff raised objection, then Kapil Khatri now petitioner made arguments with the nursing staff of Civil Hospital, Fazilka.

The role of the petitioner:-

That as per the investigation till date, accused Kapil Khatri captured the video clip of the nursing staff of Civil Hospital, Fazilka and when objection was raised by Sunita Rani, Matron and Parveen Merry, Staff Nurse of Civil Hospital, Fazilka present at the spot, then Kapil Khatri used abusive language against the said female nursing staff. Thus, in this way Kapil Khatri used criminal force to capture the video clip of the female staff, made arguments with the female nursing staff of Civil Hospital, Fazilka with intent to deter them from discharging their official duty. Apart from this, accused Kapil Khatri also used filthy language against the female nursing staff and insulted them in public place with the intention to insult their modesty, so Kapil Khatri has prima facie committed an offence punishable under Section 132 and 79 BNS of 2023."

REASONING:

8. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

9. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar

to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

CONDITIONS:

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven

days, providing an opportunity to avail the remedies available in law.

16. It is clarified that if the petitioner violates any bail condition, the State and/or the victim may file an application for bail cancellation before the trial court, which shall be competent to cancel the bail or add more conditions. Furthermore, if the petitioner moves for deletion or dilution of any bail conditions, the trial court is empowered to do so.

17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

21. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

26.08.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.