



CRM-M-46462 of 2025

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

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**CRM-M-46462 of 2025
Date of Decision: 04.09.2025**

Rahul

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

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

Mr. Mohit Chaudhary, AAG, Haryana.

RUPINDERJIT CHAHAL, J (ORAL)

1. Prayer in the present petition filed under Section 482 of the BNSS, 2023 is for grant of anticipatory bail to the petitioner in case FIR No.118 dated 22.05.2025 registered under Section 92(b) of the Rights of Persons with Disabilities Act, 2016 and Section 140(4) of the Bharatiya Nyaya Sanhita, 2023, at Police Station Sadar Tauru, District Nuh.

2. Brief facts of the present case are that an FIR was registered at the behest of the complainant Kailash who stated that the petitioner had enticed her son and taken him to a distance near uriya plant and committed carnal intercourse with him.

3. Learned counsel for the petitioner contends that he has been falsely implicated in the present case. He argued that the alleged occurrence took place on 30.04.2025 and the FIR in question was registered on 22.05.2025 i.e. after an unexplained delay of 23 days. He further argued that except for the statement of the complainant, there is nothing on record to

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connect the present petitioner with the crime in question. He further argued that the custodial interrogation of the petitioner is not required for any recovery and he is ready and willing to join the investigation as and when called upon to do so by the investigating agency.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by the Court of learned Additional Sessions Judge, Nuh, vide order dated 20.06.2025.

5. On the other hand, learned State counsel has filed the status report in the matter, which is taken on record. While referring to the same, he has opposed the prayer for grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature. He argued that the petitioner had enticed away the victim, who is mentally disabled, at uriya plant and thereafter, forcibly committed unnatural carnal intercourse with the victim. He further submits that the petitioner is specifically named in the FIR and he is also involved in one more FIR. Hence, he prays for dismissal of the petition.

6. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '*State Vs. Anil*



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Sharma', (1997) 7 SCC 187, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented 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 a suspected person is of tremendous advantage in disinterring many useful information 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 offences would not conduct themselves as offenders."

7. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand as the allegations against the present petitioner are serious in nature as he has committed unnatural carnal intercourse with the victim who is suffering from mental disability. Thus, the present petition being devoid of merits and is accordingly dismissed.

8. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

(RUPINDERJIT CHAHAL)
JUDGE

04.09.2025

D.Bansal

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