



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

138+274

CRM-M-58674-2025 (O&M)
Decided on: 27.10.2025

MOHINDER PAL ALIAS MAHINDER PAL . . . Petitioner(s)

Versus

STATE OF PUNJAB AND ANOTHER . . . Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

PRESENT: Mr. Vishal Sharma (Vasudeva), Advocate
for the petitioner(s).

Ms. Aiman J. Chishti, AAG, Punjab.

Mr. Munish Puri, Advocate and
Mr. Harsh Thakur, Advocate for respondent No.2.

KIRTI SINGH, J. (Oral)

CRM-42668-2025

This is an application for placing on record the reply of complainant as well as copy of CD, screen shot of complaint and photographs as Annexures R-2/1 to R-2/3.

Heard. For the reasons mentioned in the application, the same is allowed and Annexures R-2/1 to R-2/3 are taken on record subject to all just exceptions.

CRM-M-58674-2025 (O&M)

Apprehending arrest in FIR No.12 dated 13.02.2025, under Section 75 of BNS, 2023, registered at Police Station Division No.2, District Pathankot, the petitioner has preferred this petition under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) for grant of pre-arrest bail.



2. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case owing to a long-standing civil dispute between the parties pertaining to property rights. It is contended that the complainant, to exert pressure in the said dispute, has lodged the present FIR alleging abuse, harassment, obscene gestures, and a demand of Rs.50 lakhs, besides an alleged attempt to enter her house on 15.12.2024. It is further submitted that the complainant had earlier lodged FIR No.120 dated 02.09.2023 under Sections 354-B, 354, 294, 509, and 506 IPC on similar allegations, which were found exaggerated and unsubstantiated. It is urged that the present FIR suffers from unexplained delay, is improbable and uncorroborated, and appears to be an afterthought. The complaint does not disclose any act of sexual intent and mere neighbourhood hostility has been wrongly projected as a sexual offence. The petitioner, aged 64 years and with no criminal antecedents, is ready to join investigation and cooperate.

3. Per contra, learned counsel for respondent No.2/complainant submits that earlier on 15.10.2024, the petitioner openly threatened the complainant, demanding Rs.50.00 lakhs and stating that, in case of refusal, he would outrage her modesty. Thereafter, on 15.12.2024, at about 9:12 PM, when the complainant was alone at her residence, the petitioner attempted to forcibly enter her house by kicking the gate and, upon resistance, assaulted her by giving kick blows on her abdomen and called some of his associates and made obscene gestures towards her, which were captured in the CCTV footage contained in the CD annexed as Annexure R-2/1. It is further submitted that during the pendency of the present petition, the petitioner again abused and threatened the complainant, pursuant to which an online complaint was lodged at helpline No.112, reference No.2373517 dated



19.10.2025 (Annexure R-2/2). Learned counsel further submits that the houses of the petitioner and the respondent No.2/complainant share a common wall. The petitioner has constructed his house up to three storeys on the said wall, and only in 2023 did he raise a frivolous issue of alleged encroachment, as an afterthought to evade responsibility for his continued acts of harassment. Photographs evidencing the common wall are annexed as Annexure R-2/3. The petitioner, who is habitual of misbehaving, molesting, and using obscene language, even throws garbage into the premises of complainant/respondent No.2. Owing to his continuous misconduct, the complainant installed CCTV cameras, which contain several recordings of the obscene acts and misbehavior of the petitioner, who is habitual of misbehaving and using obscene language, has previously faced FIR No.120 dated 02.09.2024 for similar conduct. Despite repeated police complaints, his behaviour has remained the same. Hence, considering his continued harassment and habitual misconduct, it is therefore prayed that the present petition seeking the concession of anticipatory bail of petitioner be dismissed.

4. Learned State counsel has opposed the prayer made in the present petition and has filed a status report dated 26.10.2025 by way of an affidavit of PPS, Deputy Superintendent of Police, Sub-Division Dhar Kalan, Pathankot-cum-Sub Division City Pathankot, District Pathankot, on behalf of the State, which has been taken on record. He while relying upon the contents of the said status report submits that on enquiry conducted by the Incharge, Women Cell, Pathankot, also involving examination of statements, video contents pertaining to the allegations, it was concluded that the complainant/respondent No.2, a lecturer residing with her mother and having no male member in the family, was being continuously harassed and pressurized by the petitioner, to withdraw the previous case registered



against him by the complainant/respondent No.2 vide FIR No.120 dated 02.09.2023 under Sections 354, 354-A, 354-B, 294, 509 and 506 IPC, Police Station Division No.2, Pathankot. The pen drive produced by the complainant was found to contain audio and video recordings wherein the petitioner is heard using abusive and obscene language, calling the complainant derogatory names, issuing threats of sexual assault, and even stating that he had kept 20 litres of acid to throw at her. On the basis of the enquiry, DSP (PBI), CAW, Pathankot recommended registration of the present FIR under Section 75 BNS, which was approved by the SSP, Pathankot, and investigation was accordingly initiated, which is still underway, and the challan has not yet been filed. It is submitted that the allegations against the petitioner are serious in nature, involving physical assault, threats, and demand of Rs.50 lakhs, and that similar allegations were made in the earlier FIR No.120/2023 against the petitioner, which is pending trial. Therefore, in view of the seriousness of the allegations, the petitioner is not entitled to the concession of anticipatory bail.

5. Heard the rival submissions made.

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 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 while 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. In the present case, *prima facie*, serious allegations of criminal intimidation, use of obscene and filthy language, indecent gestures, and threats of sexual assault and acid attack have been levelled against the petitioner. Audio-video recordings pertaining to the said incidents have also surfaced during the course of the enquiry conducted, which *prima facie* corroborate the allegations, though the same shall be appreciated along with the defences raised by the petitioner during the course of trial. Similar allegations were previously levelled against the petitioner, for which an FIR was registered in which he is facing trial. Considering the nature and gravity of accusations, the repeated acts of harassment, and the fact that the investigation is still underway in the present case, this Court is not inclined to grant the discretionary relief of anticipatory bail to petitioner in the present case.

10. The petition is dismissed.

11. It is made clear that nothing contained herein shall be construed as an opinion on the merits of the case.

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

(KIRTI SINGH)
JUDGE

27.10.2025

Kavita

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