



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

204

CRM-M-3981-2026

Date of Decision: 09.02.2026

TALIM

.....PETITIONER

Vs.

STATE OF HARYANA AND ANOTHER

.....RESPONDENTS

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present: Mr. Anas Ahmed, Advocate for the petitioner.

Mr. Atul Gaur, AAG, Haryana.

NEERJA K. KALSON, J.

The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in case FIR No.111 dated 28.07.2021, under Sections 376, 365 and 506 of IPC, 1860 and Section 4 of POCSO Act, 2012 (Section 376-D IPC was added later on), registered at Police Station Bichhore, District Nuh.

2. The learned trial Court, after hearing rival contentions of learned counsel for the petitioner-accused, learned State counsel and after going through the case file carefully, observed that the present petitioner has been summoned by the trial Court as an additional accused under Section 319 Cr.P.C. The complainant/father of the victim, in his complaint given to the police, levelled specific allegations against the petitioner that he had committed rape upon his minor daughter and had also threatened to kill her and her parents if she disclosed the incident to anyone. The victim, in her testimony on oath before the Court as PW-1, also raised specific allegations against the petitioner that he and two other accused committed rape upon her



and threatened to kill her. Keeping in view the grievous nature of the allegations, the nature of the offence and the punishment prescribed thereunder, the learned trial Court did not deem it fit to grant pre-arrest bail to the petitioner and dismissed the application vide order dated 24.12.2025 (Annexure P-3).

3. Learned counsel for the petitioner vehemently argued that the prosecutrix, in her statement recorded before the Police and under Section 164 Cr.P.C recorded before the CWC, did not name the present petitioner-accused. He submitted that these discrepancies go to the root of the matter and vitiates the summoning order under Section 319 Cr.P.C. itself, entitling the petitioner to anticipatory bail.

4. *Per Contra*, learned State counsel has opposed the present petition arguing that the allegations raised are serious in nature and thus, the petitioner does not deserve the concession of anticipatory bail.

5. This Court deem it apposite to observe, at the outset, that the jurisdiction vested under Section 438 Cr.P.C is discretionary and is to be exercised with exception, particularly in cases involving grave and serious offences. The Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab (1980) 2 SCC 565***, while delineating the controversy of anticipatory bail, emphasise that it is not to be granted as a matter of concern and that the Court must consider various factors, including the nature and gravity of the accusation, the antecedents of the petitioner and the possibility of fleeing from justice or tampering with the evidence.

6. Adverting to the submission advanced concerning the discrepancies in the petitioner's status, it is well settled law that at the stage of anticipatory bail, the Court is not expected to undertake a mini-trial or

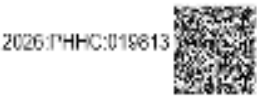


petitioner. The scope of inquiry is limited to ascertain whether a *prima facie* case is made out against the accused and whether grant of pre-arrest bail would frustrate the investigation or trial. The discrepancies pointed out by the learned counsel for the petitioner that the prosecutrix did not name the accused in her police statement or under Section 164 Cr.P.C., are matters which would be thoroughly looked into, tested and appreciated at the stage of trial by leading evidence from both sides. These cannot constitute a ground to grant anticipatory bail at this pre-trial stage, especially when specific allegations have been levelled by the complainant and corroborated by the victim in her Court testimony as PW-1, leading to summoning of petitioner under Section 319 Cr.P.C.

7. The offence alleged pertains to sexual assault, which constitute a grave offence against the dignity and bodily integrity of a woman and has a profound social impact. Granting pre-arrest bail in matter of such serious nature, would undoubtedly send a wrong signal to society.

8. Moreover, the necessity for custodial interrogation cannot be ruled out. The Hon'ble Supreme Court, in State rep. by ***CBI v. Anil Sharma, (1997) 7 SCC 187***, observed that custodial interrogation is qualitatively more elicitation-oriented and often indispensable for a thorough and effective investigation, as compared to questioning a person who is armed with a protective order of anticipatory bail. The investigating agency must be afforded a free hand to unearth the truth, which may necessitate sustained and custodial questioning of the petitioner to ascertain the full facts and circumstances surrounding the alleged crime.

9. Also, given his criminal antecedents i.e. he being involved in another FIR No.114 dated 04.07.2023, under Section 363, 366-A, 346-D, 450,



serious nature of the crime, the possibility of him tampering with evidence or absconding from the course of justice is significantly high, which would be highly prejudicial to a fair trial. The Hon'ble Supreme Court, in *Jai Prakash Singh v. State of Bihar, (2014) SCC 379*, emphasised the need for caution in granting anticipatory bail in serious offences, especially where there is a likelihood of the petitioner tampering with evidence or influencing witnesses.

10. In view of the submissions made and the material placed before this Court, it finds no justifiable grounds to grant the extraordinary relief of anticipatory bail to the petitioner.

11. In view of the foregoing discussion, this Court is not inclined to grant the benefit of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed.

(NEERJA K. KALSON)
JUDGE

09.02.2026
pry

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No