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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRA-S-591-2026 (O&M)
Date of Decision: 09.03.2026

Satvir and another

…..Appellants.

Versus

State of Haryana and another

.....Respondents

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

Present:- Mr.Salil Dev Singh Bali, Sr. Advocate with
Mr. Parveen Jain, Advocate
for the appellants.

Ms. Vasundhara Dalal Anand, Sr. DAG, Haryana.

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NEERJA K. KALSON, J.

1. The present appeal has been preferred by the appellants challenging the order dated 03.02.2026 passed by the learned Addl. Sessions Judge, Fast Track Special Court under POCSO Act, Bhiwani whereby the application filed by the appellants seeking the concession of anticipatory bail in FIR No. 194 dated 12.12.2025 under Sections 62, 75, 96, 137(2), 140(3), 239, 351(2), 353(2), 3(5) of BNS, Sections 8, 12, 21 of POCSO Act, and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station Behal, District Bhiwani, was dismissed. During the pendency of the proceedings, the complainant was duly informed by the Investigating Officer about the pendency of the present appeal.

2. The case set up in the FIR in question (as set out in the present

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petition by the appellants) is as follows :

> *"I Sanjay Caste Chamar, R/o Village Hariyawas, Tehsil Loharu. My daughter XXX whose date of birth is 05.09.2009 told me that 15-20 days prior to today when I was standing at the bus stand of Village Gopalwas for going to Behal then one Innova Car bearing No. HR70G3957 stopped. The driver of the car told his name to be Ravi Azad Jaat and told me that he would drop me to Behal and after misleading me made me sit in the car. He started teasing/touching me and started doing bad things. He started forcing himself on me. When I protested then he said that I am a big leader and if you tell it to someone then you along with your family would be killed. When I protested more vigorously then he made me got down at bus stand Behal. Because of fear and public shame I did not tell this to my family. Thereafter on 08th of December 2009 when I was in the night when I was at the animal shed of the house then one Innova car bearing No.HR70G3957 in which two-three unknown boys were sitting came and said to me that Ravi Azad has called you and they started putting me forcibly in the car. On this I protested and made noise then after leaving me they ran away. When my daughter told me this incident to me then I along with my daughter have come to the police station for giving complaint."*

3. Learned counsel appearing for the appellants submits that the impugned order dated 03.02.2026 has been passed without proper appreciation of the factual matrix of the case and suffers from non-application of mind. It is argued that the appellants are respectable public representative of advanced age having clean antecedents and have been falsely implicated in the present case. It is further contended that the appellants were neither named in the FIR nor attributed any role in the

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occurrence forming the subject matter of the FIR. According to the appellants, they have been subsequently nominated during the course of investigation merely on the basis of a pen drive allegedly containing footage of a Mahapanchayat wherein the identity of the victim is alleged to have been disclosed. Learned counsel further submits that even if the allegations are accepted at their face value, the same may at best attract the provisions of Section 23 of the POCSO Act or Section 72 of the Bharatiya Nyaya Sanhita, which are bailable and non-cognizable offences and have no nexus with the principal allegations forming the basis of the FIR. It is also argued that there are no allegations of caste-based insult or intimidation so as to attract the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. It is further submitted that the main accused and co-accused have already been arrested and one of the co-accused namely Vikas has been granted regular bail by trial Court vide order dated 29.01.2026 and no recovery is to be effected from the present appellants. On these premises, it is prayed that the impugned order be set aside and the appellants be granted anticipatory bail.

4. Per contra, learned State counsel has vehemently opposed the present appeal. It is submitted that the present FIR was registered on the complaint of the father of the victim alleging that accused Ravi Azad along with his associates had taken the complainant's minor daughter in an Innova car on the pretext of dropping her at her destination and during the journey, sexually assaulted her and threatened her with dire consequences. It is further alleged that subsequently another attempt was made by the associates of the accused to forcibly take the victim in the same vehicle whereupon she raised an alarm and the assailants fled from the spot. It is

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submitted that after registration of the FIR, investigation commenced and the victim was produced before the Medical Officer and her statement was recorded. During investigation, the caste certificate of the victim was taken into possession and statements of witnesses were recorded. The accused persons were arrested and during interrogation suffered disclosure statements. The Innova vehicle allegedly used in the commission of the offence was recovered during investigation. It is further submitted that during investigation, a pen drive along with certificate was produced and taken into possession which allegedly contains material indicating that the appellants disclosed the identity of the victim and her family members during a Mahapanchayat convened with the object of exerting pressure upon the complainant's family belonging to the Scheduled Caste community. Learned counsel further submits that the appellants are persons of considerable influence and there exists a likelihood that they may attempt to influence or intimidate material witnesses if granted the concession of anticipatory bail. It has also been pointed out that the investigation has already been completed and the final report has been presented before the competent Court and the prosecution proposes to examine 27 witnesses, none of whom have yet been examined, and the case is fixed for framing of charges.

5. I have heard learned counsel for the parties and have perused the record very carefully.

6. In the present case, the allegations pertain to offences of serious nature involving a minor victim. The material collected during investigation prima facie indicates that the identity of the victim and her family members was allegedly disclosed during a public gathering in the form of a

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Mahapanchayat. Section 72 of BNS, 2023 prohibits the publication or disclosure of the identity of victims in cases involving sexual offences. The intent behind introducing such restrictions is to recognise the trauma that the victim would endure if identity is revealed. Protection of the identity of a victim, particularly in cases involving sexual offences against children, is of paramount importance in criminal jurisprudence and any act which tends to disclose or publicize such identity has the potential of causing grave prejudice and social stigma to the victim and her family.

7. In ***Nipun Saxena vs. Union of India 2019(2) SCC 703*** the Hon'ble Supreme Court recognised a harsh truth of societal response to sexual violence. It was noted by the Court that victims often endure more hardship than the preparator himself. It was further noticed that this often results in undue stigma for the victim and her family.

However, beyond the fear of victimization and sensationalism, there lies something more intimate – the right to privacy and dignity. The right to not be known, to carry one's pain without turning it into spectacle. The right to independently chose appropriate legal recourse. About the right to remain unnamed in a world that is too eager to name, too quick to forget what names cost.

8. The prosecution case further indicates that the alleged disclosure was made in a public gathering where the complainant's family, belonging to a Scheduled Castes community, was openly identified in connection with the incident. At this stage, such allegations cannot be brushed aside as they prima facie suggest conduct which could result in humiliation and pressure upon the complainant's family on account of their caste identify. In these circumstances, it cannot be said at this stage that the

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provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act have been invoked without any basis.

It is true that anticipatory bail is not barred in every case where the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act are invoked. However, where the allegations and the material collected during investigation disclose a prima facie case attracting the provisions of the Act, the bar contained under Sections 18 and 18A becomes relevant and the Court must exercise caution while considering the grant of anticipatory bail. At the present stage, the material placed on record does indicate a prima facie case which cannot be disbelieved without a full examination during trial.

9. A perusal of status report dated 05.03.2026 reveals that there are two other cases pending against appellant No.1, namely Satvir :

(i) FIR No. 110 dated 10.12.2003, under Sections 323, 342, 506, 148, 149 of IPC, Police Station Behal, District Bhiwani, Haryana.

(ii) FIR No. 156 dated 05.04.2020, under Sections 279, 337, 338 of IPC and Sections 3, 181 of M.V. Act, Police Station Tosham, District Bhiwani, Haryana.

10. The contention raised on behalf of the appellants that the alleged acts may only attract bailable or non-cognizable offences cannot be examined in detail at this stage as such issues pertain to the merits of the prosecution case and are matters to be considered by the trial Court at the appropriate stage. The apprehension expressed by the prosecution that the appellants, being persons of influence, may attempt to tamper with prosecution evidence which cannot be lightly brushed aside at this stage.

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11. This Court deems it apposite to observe, at the outset, that the jurisdiction vested under Section 438 Cr.P.C/Section 482 BNSS 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, emphasised 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.

12. 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. Also keeping in view the serious nature of the crime, the possibility of petitioner 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.

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13. The learned Addl. Sessions Judge, Fast Track Special Court under POCSO Act, Bhiwani while dismissing the application for anticipatory bail vide order dated 03.02.2026 has taken into consideration the seriousness of the allegations, the material collected during investigation and the applicability of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and has declined to extend the extraordinary relief of anticipatory bail to the appellants. The reasoning adopted by the learned Additional Sessions Judge cannot be said to suffer from any illegality, perversity or material irregularity warranting interference by this Court.

14. Keeping in view the nature of the allegations, the material collected during investigation, the stage of the proceedings and the prima facie applicability of the provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, this Court is of the considered view that no ground is made out for grant of anticipatory bail to the appellants. Accordingly, the present appeal stands dismissed

15. Nothing observed herein shall have any bearing on the merits of the case.

16. Pending application(s), if any, shall also stand disposed of.

(NEERJA K. KALSON)
JUDGE

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

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