

2026:PHHC:040535



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

CRM-M-14102-2026

Harvans Rai

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: March 16, 2026

Date of Uploading: March 16, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Raman Kumar, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior DAG Haryana.

Mr. Vaibhav Parashar, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS')/
Section 438 of Cr. P.C. for grant of pre-arrest/anticipatory bail to the
petitioner, in case bearing FIR No.0357 dated 01.09.2023, registered for the
offences punishable under Sections 153(A), 295(A) of the BNS, 2023
(Sections 420 IPC added subsequently) (corresponding to Sections 299, 196,
318 of the BNS, 2023), at Police Station Central Faridabad, District
Faridabad.

2. The gravamen of the FIR in question is that complainant,
namely, Ajay Kumar Singh, Advocate, has alleged that Harvans Rai

(*petitioner herein*) posted content on social media concerning Lord Bajrang Bali Hanuman, which, according to the complainant, was intended to outrage the religious sentiments of Hindus and insult their deity. As a result, the complainant states that his religious sentiments, along with those of other members of the Hindu community, have been hurt.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has iterated that the petitioner has nothing to do with the offence in question.

3.1. Learned counsel has further argued that nothing is to be recovered from the petitioner. Furthermore, the petitioner is ready to join the investigation and, hence, no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that there exists a likelihood that the petitioner may abscond or tamper with the evidence, if he is enlarged on bail. Learned State counsel has iterated that the custodial interrogation of the petitioner is imperative for the purpose of effective and fair investigation and to unearth the case of the prosecution. On these submissions, dismissal of the present petition is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. As per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution and upon perusal of the impugned order, it is borne out that the petitioner has been specifically named in the FIR. The petitioner has intentionally posted malicious and derogatory messages regarding Hindu God '*Bajrang Bali Hanuman*' on his Facebook account titled '*Harvans Rar*' with the intent to insult and outrage the religious sentiments of Hindus. The petitioner also posted objectionable messages targeting a particular caste with the intention to hurt and insult the sentiments of members of that caste community. The said posts have already been taken into possession during the course of investigation and *prima facie* support the allegations levelled in the FIR against the petitioner.

6.1. It is further the case of the prosecution that the petitioner is falsely portraying himself as an Advocate and practicing in courts without possessing the requisite qualification and without being enrolled with any Bar Council. Admittedly, the petitioner is still pursuing his LL.B. from Mahatma Jyotibha Phule Rohilkhand University, Bareilly and therefore is not legally entitled to practice as an advocate. The aforesaid material *prima facie* supports the allegations that the petitioner is impersonating as an advocate and cheating the public.

6.2. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR.

7. 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 is imperative that every person in the Society can expect an atmosphere free from foreboding & fear of any transgression. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In *State v. Anil Sharma* [*State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039*], the Supreme Court held as under : (SCC p. 189, para 6)

“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 informations 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.”

7.1. In view of the gravity of the allegations, the role attributed to the petitioner, and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for an effective investigation & to unravel the truth.

The petition is, thus, devoid of merits and is hereby **dismissed**.

8. Nothing said hereinabove shall be deemed to be an expression
of opinion upon merits of the case/investigation.
9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

March 16, 2026
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No