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

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Geetu Ram Tanwar

....Petitioner

V/s

State of Haryana and another

....Respondents

Date of decision: 20.05.2026**Date of Uploading : 20.05.2026****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Hemant Bassi, Senior Advocate with
Ms. Gursimran Kaur, Advocate and
Ms. Saloni Chhabra, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG Haryana.
Mr. Shobhit Rapria, Advocate
for respondent No.2-complainant.

SUMEET GOEL, J. (Oral)

1. The present petition is the second attempt under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner in case bearing FIR No.90 dated 10.04.2026, registered for the offences punishable under Sections 196(1) of BNS, 2023 at Police Station Sonapat City, District Sonapat, Haryana.

2. The gravamen of the FIR in question reflects that a video clip containing objectionable remarks against a particular community was circulated on social media and the same became viral in the area. As per the prosecution case, the petitioner, while holding the post of Superintending Engineer in Uttar Haryana Bijli Vitran Nigam Limited, participated in a conversation wherein derogatory, inflammatory and abusive remarks were

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allegedly made against members of a particular caste/community. It has been further stated that the allegations further suggest that the remarks had tendency to promote disharmony and disturb communal peace in the area and the same has resulted in public resentment and tension. Accordingly, the investigation was set into motion for commission of offences punishable under Section 196(1) BNS.

3. Learned senior counsel for the petitioner has iterated that the petitioner has been falsely implicated into the FIR in question owing to deep-rooted departmental rivalry and personal vendetta by certain officers against whom the petitioner has earlier reported acts of misconduct and administrative irregularities before the higher authorities. Learned senior counsel has further iterated that the petitioner is a senior officer of the UHBVNL with an unblemished service career spanning nearly twenty seven years and has consistently earned 'Outstanding'; 'Excellent' and 'Very Good' entries in his Annual Confidential Reports (ACRs) besides various certificates of appreciation issued by the department from time to time. It has been further contended that the petitioner belongs to a Scheduled Caste community and has himself been subjected to harassment and victimization by a group of officers namely Ranbir Deswal, Ashvini Kaushik, Satish Goyal and Pardeep Kumar, who allegedly conspired together to malign the image of the petitioner and tarnish his reputation at the verge of his retirement. Learned senior counsel has emphasized that the authenticity of the video clip forming the basis of the FIR is highly doubtful and appears to be manipulated with the aid of artificial intelligence and digital editing tools. Furthermore, the alleged video has been recorded in December, 2025



oblique motive(s) to implicate the petitioner in a false criminal case. *Assuming arguendo*, even if the allegations contained in the FIR are accepted in their entirety, the essential ingredients of Section 196(1) of BNS are not made out since there is no allegation that the petitioner has made any public statement or committed any overt act intended to promote enmity, hatred or disharmony between different communities. It has been further contended that the alleged conversation was private in nature amongst a limited group of departmental officers and mere utterance of certain words in a closed-door discussion cannot attract the rigours of Section 196(1) BNS. According to learned senior counsel, the act of circulating the video on social media has not been attributed to the petitioner and rather it is the complainant side and the inimical officers who intentionally made the video viral with the object of creating communal tension. Learned senior counsel has asserted that the petitioner himself became the target of hostility after the circulation of the video and has allegedly received repeated threats to his life and liberty from unknown persons. Moreover, despite not having committed any offence, the petitioner even tendered a public apology solely with a view to pacify sentiments and maintain public harmony. It has further been submitted that the petitioner has already joined the investigation and cooperated therein and hence there is no need for custodial interrogation of the petitioner as nothing incriminating remains to be recovered from him. Furthermore, the petitioner has clean antecedents except two previous cases under the Prevention of Corruption Act in which he already stands acquitted & shall undertake to abide by every condition(s) that may be imposed by this Court while granting the concession of anticipatory bail. Learned senior counsel has prayed that the petitioner, being a respectable public servant



with deep roots in society and no likelihood of absconding, deserves the concession of anticipatory bail in the factual *milieu* of the case in hand.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the present petition is not maintainable, as it constitutes a second petition for anticipatory bail, without there being any substantial change in circumstances, thereby failing both on procedural grounds and on merits. Learned State counsel has submitted that the first petition was dismissed as withdrawn as early as on 20.04.2026 before this Court. Accordingly, the State counsel has argued that the instant petition deserves dismissal on this score alone. Learned State counsel, opposing the plea in hand, on merits, has iterated that the allegations levelled against the petitioner are serious and grave in nature. On merits, raising submission in tandem with the reply dated 09.05.2026 filed by way of affidavit of Malkeet Singh, HPS, Assistant Commissioner of Police, Sonipat, learned State counsel has iterated that the petitioner, while holding the responsible post of Superintending Engineer in UHBVNL, has been found actively participating in a conversation wherein highly objectionable, derogatory and abusive remarks have allegedly made against a particular caste/community. Learned counsel submits that the contents of the video are explicit in nature and cannot be brushed aside at this stage. According to learned State counsel, the video clip in question has already spread widely on social media and generated public resentment and tension. Furthermore, the remarks attributed to the petitioner were of such nature as has the tendency to disturb communal peace and promote hatred against a particular community which squarely attracts the provisions of Section 196(1) of BNS.



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the custodial interrogation of the petitioner is necessary for effective investigation, including examination of electronic devices, source of recording and the role of other persons involved in the occurrence. Given the severity of the allegations, the dismissal of the instant petition is prayed for.

4.1. Learned counsel appearing for respondent No.2 has opposed the petition in hand and has submitted that the petitioner, being a senior government officer, carries a great responsibility towards maintaining constitutional values and social harmony. According to learned counsel, the petitioner has been found actively participating in a conversation wherein he has used derogatory and abusive remarks against a particular caste community which disturb communal peace and harmony. Accordingly, the dismissal of the petition in hand is prayed for.

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

6. It would be apposite to mention herein that the petitioner had earlier applied for grant of pre-arrest/anticipatory bail before this Court which was dismissed as withdrawn on 20.04.2026 whereinafter the petitioner had approached the Court below seeking the concession of anticipatory bail but the same stands dismissed vide order dated 23.04.2026. Thereafter, the instant second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner.

7. The material collected during the course of investigation *prima facie* reflects that objectionable and derogatory remarks targeting a particular community have been made in the course of the conversation in



is not only abusive in nature but is also *prima facie* capable of inciting resentment, hostility and communal disharmony against a specific community. The contention raised on behalf of the petitioner that the conversation was private in nature cannot, at this stage, dilute the seriousness of the allegations, particularly when the contents thereof entered the public domain and allegedly generated communal tension in the area. It is apt to mention herein that the petitioner admittedly holds the post of Superintending Engineer in UHBVNL and is a senior public functionary entrusted with responsibilities affecting the public at large. A person occupying such a position is expected to maintain restraint, uphold constitutional morality and exhibit sensitivity towards all sections of Society irrespective of caste, creed or religion. The use of derogatory and abusive remarks against a particular community, when allegedly made by a public servant holding a position of authority, assumes greater significance and carries a potential social impact. The argument that there was no intention on the part of the petitioner to create communal disharmony is a matter requiring thorough investigation and cannot be conclusively adjudicated upon at the stage of consideration of plea for grant of anticipatory bail.

7.1. To refer to the ‘Speech Act Theory’, delineated by John Searle and J.L. Austin, spoken words do not merely have a communicative purpose but also perform actions. The ‘Locutionary Act’ is the literal production of the sounds and words: the basic physical act of saying something with a specific grammar and meaning. Yet, the ‘illocutionary Act’ is the core purpose behind the words, representing what the speaker is actually doing – such as promising, warning or commanding. Whereas the “Perlocutionary



involves whether the listener is persuaded, alarmed or convinced by what was said. Therefore, words have a consequential meaning; they carry an emotional, psychological and even a physical impact. Intentions are carried through the words. That is why the learned wise people caution that words be spoken with care lest they cause an altercation, misunderstanding or even a heartbreak. Any unwitting or unintentional remarks passed against a community, repeated articulations or even a one-time intense diatribe or even a forceful articulation can have cascading ramification. Against a person such an inquiry caused by words could still be sutured, but against a community, the injury multiplies. Therefore, the healing hand needs to be in tandem.

8. The Court also cannot lose sight of the fact that the investigation is at a nascent stage. The allegations are not confined merely to the utterance of objectionable words but also extend to the alleged misuse of official position. The possibility of the petitioner, thus, interference with investigation cannot be ruled out at this stage. The plea of the petitioner that he has good service record cannot, by itself, create a ground for grant of anticipatory bail in the facts and circumstances of the present case. 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. At this stage, there is no material on record to hold that *prima facie* case is not made out against



investigation, appear to be established a reasonable basis for the accusations. It would be apposite to refer herein to a judgment passed by the Hon’ble Supreme Court in the case titled as ***Sumitha Pradeep vs. Arun Kumar C.K. and another, 2022(4) RCR (Criminal) 977***, relevant whereof reads as under:

“12. In a case containing such serious allegations, the High Court ought not to have exercised its jurisdiction in granting protection against arrest, as the Investigating Officer deserves freehand to take the investigation to its logical conclusion. It goes without saying that appearance before the Investigating Officer who, has been prevented from subjecting Respondent No.1 to custodial interrogation, can hardly be fruitful to find out the prima facie substance in the allegations, which are of extreme serious in nature.

xxx	xxx	xxx	xxx
xxx	xxx	xxx	xxx

“15. Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.

16. We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court



hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

9. Considering the totality of the facts and circumstances, the societal impact of the alleged conduct and the requirement of a fair investigation, this Court finds no compelling ground to extend the benefit of anticipatory bail to the petitioner.

10. In view of the prevenient ratiocination, it is ordained thus:
- (i) The instant petition is devoid of merits and is hereby dismissed.
 - (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.
 - (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

May 20, 2026
Ajay

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