

CRM-M-29226-2026

1

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

(103)

CRM-M-29226-2026

Date of Decision:- 21.05.2026

Parveen Rathi

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

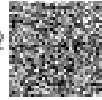
Present: Dr. Pankaj Nanhera, Senior Advocate with
Mr. Sachin Jangra, Advocate for the petitioner.

Ms. Swati Batra, Senior DAG, Haryana,
assisted by SI Madhu.

ALOK JAIN, J. (Oral)

1. The present petition has been filed under Section 482 of the BNSS seeking grant of anticipatory bail to the petitioner in case FIR No. 85 dated 07.05.2026 (Annexure P-1) under Section 8 of POCSO Act, 2012 [Sections 10 and 12 of the POCSO Act and Sections 79 and 299 of BNS, 2023 (Corresponding Sections 509 and 295-A of IPC) added and Section 8 of POCSO Act deleted later on] registered at Police Station Gurgaon City, District Gurugram, Haryana.

2. Learned Senior Counsel for the petitioner has submitted that the petitioner is a 48-years-old man, who has rendered almost 20 years of service during which there has never been any complaint against him. Learned Senior Counsel further submits that the petitioner is, in fact, a victim of the internal politics of the school and is being entangled in the present FIR for extraneous considerations. It is submitted that, on the



CRM-M-29226-2026

2

asking of the Principal, the petitioner had taken classes of 9th standard for a short duration of only 4-5 days and no such incident ever took place and no complaint was made by the girl students at that point of time.

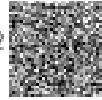
3. Learned Senior Counsel for the petitioner has relied upon the judgment passed by the Madhya Pradesh High Court in the case of ***“Praveen Jain @ Praveen Kumar Jain Vs. State of Madhya Pradesh”*** in M.Cr.C. No. 17690-2020 to contend that the dicta laid down in the case of ***“Arnesh Kumar Vs. State of Bihar” (2014) 8 SCC 273*** is required to be followed and the petitioner should first be summoned to cooperate with the investigation and the occasion for arrest should only arise if the petitioner fails to cooperate.

4. Learned State counsel vehemently argued that 26 girl students made complaints of being victimized and 15 victims have already got their statements recorded in the presence of legal advisors and were also provided counselling by the Child Welfare Committee. It is submitted that there are clear allegations leveled upon the petitioner by the victims in their statements recorded during the investigation. It is thus prayed that looking to the seriousness of the offence, concession of bail should not be granted to the petitioner by this Court.

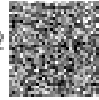
5. Heard learned counsel for the parties at length.

6. It is imperative to reproduce the allegations levelled in the FIR, which reads as under:

12. FIRST INFORMATION CONTENTS:- To The SHO, City Police Station, Gurugram. Respected Sir, I wish to submit the following: I, SH Sushil Kumar Kanwa (Principal), am currently employed at G.G.S.S.S.,

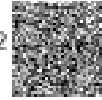


Jacubpura. On April 25, 2026, I received-via the school's official email ID and through the Class In-charge of Class IX-D-a written complaint from 26 female students regarding Mr. Praveen Rathi (PGT, Biology). At the school level, the POCSO Committee conducted an inquiry into this matter. The inquiry revealed allegations involving the use of indecent language and inappropriate physical contact ("bad touch"). I respectfully request that appropriate action, in accordance with the law, be initiated against Mr. Praveen Rathi (PGT, Biology). Enclosures: (1) Photocopies of the statements of the 26 female students; (2) Report of the POCSO Inquiry Committee. Sd/- Sushil Kumar, Principal, G. G. S.S.S., Jacubpura (0846), Gurugram. Date: 07/05/2026. Ph: 9911806060. Police Action: Today, I, the undersigned Lady Sub-Inspector (L/SI) from Sector 5 Police Station, Gurugram-having received information regarding this matter-have reported for duty at the City Police Station, Gurugram. Here, the MHC (Head Constable/Clerk) of the Police Station presented the complainant, Mr. Sushil Kumar Kanwa, Principal of G.G. S.S.S... Complaint No. CAS00013227046260285, dated 07/05/2026 (282-CAS dated 07/05/2026), pertaining to Jacubpura (0846), Gurugram, was presented-along with attached documents and the aforementioned complainant-for the initiation of further proceedings. Based on the substance of the said complaint, the gist of the statements provided by the attached female victims, and the summary of the School POCSO Committee's report, it has been determined that an offense punishable under Section 8 of the POCSO Act, 2012, has been committed. Consequently, the complaint has been forwarded to the MHC/SDO (Duty Officer) of the Police Station for the



registration of a First Information Report (FIR) under the aforementioned section, based on the written complaint cited above. Upon the registration of the FIR, the Area Magistrate and higher officials are to be apprised of the matter via a Special Report; furthermore, intimation regarding their presence at the Police Station is to be sent to the CW Member and the Legal Aid Advisor. A copy of the police case file-along with the original written complaint-is to be handed over to the undersigned Lady Sub-Inspector (L/SI) for further investigation. The undersigned L/SI, accompanied by Lady Constable Sunita (3681/GGM) and the complainant, is currently engaged in the investigation and interrogation pertaining to the aforementioned case. Today, upon receipt of the said complaint at the Police Station, the aforementioned case-registered as an offense under Section 8 of the POCSO Act, 2012—was formally recorded in the register, and computer-generated copies were prepared; a Special Report regarding this matter shall be dispatched via email to the Area Magistrate and higher officials. The copy of the police case file-along with the original written complaint-has been handed over to L/SI Rashmi (910/GGM). This FIR was formally registered in the presence of L/SI Rashmi (910/GGM). As L/SI Rashmi's (910/GGM) CCTNS ID was not available at this Police Station at the time, this FIR has been registered under the CCTNS ID of SI Pawan (346/GGM). IO (Investigating Officer: L/SI Rashmi (910/GGM); Mobile No.: 8168181836. XXXXX

7. The bare perusal of the FIR demonstrates that serious allegations have been leveled against the petitioner. 26 victims of Class 9th are alleged to have leveled specific allegations against the petitioner of using indecent

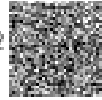


language and committed inappropriate contact during the classes. The relationship between the petitioner and minor victims is fundamentally rooted in the sacred and revered tenets of a teacher-student relationship. The petitioner, a 48 year old teacher, was bound by the highest professional and moral obligation to protect and guide the children. Instead the alleged act of use of indecent language and bad touch, explicitly leveraging his position constitutes a profound and egregious breach of sacred trust. The egregious abuse of authority speaks volume regarding the sheer gravity and seriousness of the offence. The petitioner, being in a dominant position, gives rise to a reasonable apprehension that, in case any concession is granted to him, he may misuse or abuse the same. The young girls, who have allegedly been traumatized, also need absolute protection.

8. Although learned Senior Counsel has not advanced arguments with regard to the medical condition of the petitioner, but since medical records have been appended showing that the petitioner had undergone angiography of the arch and neck, however, the same pertains to May 2025 and the petitioner is already taking treatment for the same. Such medical condition cannot be a ground to seek the concession of anticipatory bail, especially in light of the serious allegations levelled against him.

9. It would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Kishor Vishwasrao Patil vs. Deepak Yashwant Patil and another*** passed in ***SLP(Crl) No. 1125-2022***, relevant whereof reads as under:

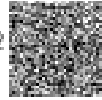
“74. Ordinarily, arrest is a part of the process of the investigation intended to secure several purposes. There may be circumstances in which the accused may provide



*information leading to discovery of material facts and relevant information. Grant of anticipatory bail may hamper the investigation. Pre-arrest bail is to strike a balance between the individual's right to personal freedom and the right of the investigating agency to interrogate the accused as to the material so far collected and to collect more information which may lead to recovery of relevant information. 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)*

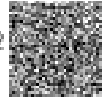
“6. We find force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous 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.”

*75. Observing that the arrest is a part of the investigation intended to secure several purposes, in **Adri Dharan Das v. State of W.B.** [**Adri Dharan Das v. State of W.B., (2005) 4 SCC 303 : 2005 SCC (Cri) 933**] , it was held as under : (SCC p. 313, para 19)*



“19. Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his disappearance, to maintain law and order in the locality. For these or other reasons, arrest may become an inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well defined and the jurisdictional scope of interference by the court in the process of investigation is limited. The court ordinarily will not interfere with the investigation of a crime or with the arrest of the accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code.”

76. In *Siddharam Satlingappa Mhetre v. State of Maharashtra* [*Siddharam Satlingappa Mhetre v. State of Maharashtra*, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514], the Supreme Court laid down the factors and parameters to be considered while dealing with anticipatory bail. It was held that the nature and the gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made and that the court must evaluate the available material against the accused very carefully. It was also



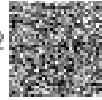
held that the court should also consider whether the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her.

77. After referring to Siddharam Satlingappa Mhetre [**Siddharam Satlingappa Mhetre v. Stae of Maharashtra, (2011) 1 SCC 694 : (2011) 1 SCC (Cri) 514**] and other judgments and observing that anticipatory bail can be granted only in exceptional circumstances, in Jai Prakash Singh v. State of Bihar [**Jai Prakash Singh v. State of Bihar, (2012) 4 SCC 379 : (2012) 2 SCC (Cri) 468**], the Supreme Court held as under : (SCC p. 386, para 19)

*“19. Parameters for grant of anticipatory bail in a serious offence are required to be satisfied and further while granting such relief, the court must record the reasons therefor. Anticipatory bail can be granted only in exceptional circumstances where the court is prima facie of the view that the applicant has falsely been enroped in the crime and would not misuse his liberty. (See D.K. Ganesh Babu v. P.T. Manokaran [**D.K. Ganesh Babu v. P.T. Manokaran, (2007) 4 SCC 434 : (2007) 2 SCC (Cri) 345**] , State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain [**State of Maharashtra v. Mohd. Sajid Husain Mohd. S. Husain, (2008) 1 SCC 213 : (2008) 1 SCC (Cri) 176**] and Union of India v. Padam Narain Aggarwal [**Union of India v. Padam Narain Aggarwal, (2008) 13 SCC 305 : (2009) 1 SCC (Cri) 1**].)”*

Economic offences

78. Power under Section 438 Cr.P.C. being an extraordinary remedy, has to be exercised sparingly; more so, in cases of economic offences. Economic offences stand as a different class as they affect the economic fabric of the society. In Directorate of Enforcement v. Ashok Kumar Jain [**Directorate of Enforcement v. Ashok Kumar Jain,**



(1998) 2 SCC 105 : 1998 SCC (Cri) 510], it was held that in economic offences, the accused is not entitled to anticipatory bail.”

15. In **Sushila Agrawal and others v. State (NCT of Delhi and another)** reported in (2020) 5 SCC 1, Constitution Bench of this Court held that while considering an application for grant of pre-arrest bail the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence or likelihood of fleeing justice. The Court held:-

“92.4. Courts ought to be generally guided by considerations such as the nature and gravity of the offences, the role attributed to the applicant, and the facts of the case, while considering whether to grant anticipatory bail, or refuse it. Whether to grant or not is a matter of discretion; equally whether and if so, what kind of special conditions are to be imposed (or not imposed) are dependent on facts of the case, and subject to the discretion of the court.”

10. In light of the above settled principle of law, although while adjudicating matters of bail, the court must meticulously, weigh individual liberty against the broader interest of society, however, where the offence strikes at the very core of the educational ecosystem and safety of minor students, the societal interest in deterrence and protection must heavily tip the scales. Considering the facts of present case, exact role of the petitioner, gravity of offence coupled with the settled principles of law, this court is of opinion that there exists no *prima facie* evidence to suggest that petitioner has been falsely implicated. Consequently, in light of the severe breach of teacher-student dynamic and the manner in which alleged incident occurred



CRM-M-29226-2026 10

necessitates a fair and thorough investigation, making custodial interrogation essential to ensure that the investigation in this case comes to its logical end.

11. In view of the above, this Court does not find any merit in the present petition, as the petitioner has failed to carve out a case for grant of the extraordinary concession of anticipatory bail at this juncture. Accordingly, the present petition stands dismissed.

(ALOK JAIN)
JUDGE

21.05.2026
Parul

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