



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(101+210)

CRM-M-67977-2025 (O&M)
Date of Decision: 17.02.2026

DAYA CHAND

.....Petitioners

Versus

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Anoop Verma, Advocate
for the petitioner.

Mr. Anmol Malik, DAG, Haryana.

Mr. Gourav Singla, Advocate
for the complainant.

KIRTI SINGH, J. (ORAL)

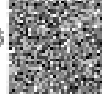
CRM-7343-2026

Allowed as prayed for subject to all just exceptions. Annexure
P-6 is taken on record.

Main case

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of anticipatory bail to the petitioner in case FIR No.264 dated 30.10.2025, under Sections 351(3), 64(2) (f) and 76 of BNS, registered at Police Station Sadar Palwal, District Palwal.
2. The contents of FIR are reproduced hereinafter.

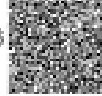
“To, SHO, Sadar Pawal, Subject:- Regarding taking legal action against the accused Dayachand son of late Sh. Savaliya resident of SEC 88 FLAT NO 1702 TOWAR NO 12 RPS SAVANA CITY GREATER FARIDABAD. Sir, It is requested that I, applicant xxxxx, wife of late Shri Ghanshyam, is permanent resident of village



Maheshpur tehsil and district Palwal. My husband had passed away on 9.12.2022. Since his death, my brother-in-law Dayachand, who is retired from the army, has been casting evil eyes on me. Whenever Dayachand used to come to Village Maheshpur from Faridabad, he used to indulge in obscene acts with me whenever he got a chance. My brother-in-law Dayachand tried to rape me several times, so I told this to my brother-in-law's son Bhagat Singh, on which Bhagat Singh asked Dayachand not to do so, then Dayachand assured me that he would not do so in future and accepted his mistake, but Dayachand did not desist from his misdeeds. On 20.10.2025, at around 3.30 AM to 4.00 AM, I was alone at my home, at that time Dayachand came to my home and did wrong thing with me against my will, I kept crying and he went away threatening me that if I told anyone about this, I would kill you and your daughters and son. Shortly after this, my brother-in-law's son Bhagat Singh reached there with his wife Sunita and Bhagat Singh asked the reason for crying, then I told Bhagat Singh everything. From that day on, I have been living in fear. Till date, I did not file a report due to the fear of shame and defamation in the society and due to Dayachand's threat, now I have come to file a report. I and my children should be given justice. A case should be registered against Dayachand for rape and threatening to kill and strictest legal action should be taken. Thank you. Note, video and Pen drive of earlier attempt of rape by Dayachand is attached with this application. Accused Dayachand MOB NO-86078xxxx RTI xxxx Applicant xxxx husband late Ghanshyam village Maheshpur tehsil and district Palwal MOB NO-80591xxxx”

3. Learned counsel for the petitioner submits that the petitioner, a 59 year old Army veteran has been falsely implicated in the present FIR on the statement of the prosecutrix, who is the widow of petitioner's brother. It is submitted that the instant FIR stems from family enmity and a longstanding property dispute. There is no material on record, medical or otherwise, to corroborate the allegations levelled against the petitioner. Rather, there are material contradictions in the statement of the prosecutrix recorded at the time of registration of FIR, and under Section 183 BNSS, particularly with reference to the place of the alleged occurrence took. There is an unexplained delay of 10 days in lodging of the FIR. It is submitted that the petitioner is willing to join investigation and co-operate.

4. *Per contra*, learned State counsel as well as learned counsel for



the complainant have vehemently opposed the submissions made by the learned counsel for the petitioner and submit that there are specific and serious allegations against the petitioner. They states that the petitioner was actively involved in the commission of the offence.

5. Learned State counsel submits that during the course of investigation, the spot of the alleged occurrence was inspected, wherein it was found that there is common entrance gate of both the houses of victim and the present petitioner. While placing reliance on the status report dated 19.01.2026, learned State counsel submits that the statement of the prosecutrix was recorded under Section 183 BNSS, as per which, she had supported the case of the prosecution. Moreover, there is electronic evidence in the form of a video footage contained in the pen drive produced by the complainant, in which the petitioner is seen outraging the modesty of the complainant. Therefore, the petitioner does not deserve to be granted the concession of anticipatory bail by this Court.

6. Learned counsel for the complainant has reiterated the averments made by the learned State counsel, and submits that the petitioner does not deserve the concession of anticipatory bail.

7. Heard the rival submissions made by learned counsel for the parties.

8. *Prima facie*, grave and serious allegations against the petitioner of developing forceful physical relations with his brother's widow have been levelled. The complainant got recorded her statement under Section 183 BNSS, in which she has supported the case of the prosecution. The allegations levelled are also *prima facie* corroborated by electronic evidence.



9. The position of law is settled that the concession of anticipatory bail, which is an extraordinary relief, cannot be granted on the mere asking of the petitioner. There must be an existence of exception circumstances in their favour so as to warrant the Court to extend this concession. Regrettably, there is nothing in the pleadings made on behalf of the petitioner, so as to make out the existence of any such exception circumstances in his favour and make him entitled for grant of concession of anticipatory bail.

10. Therefore, having regard to the gravity of the alleged offences, the material on record, and the likelihood that custodial interrogation would be required of ascertaining the true extent of the alleged occurrence, this Court is not inclined to grant the concession of anticipatory bail to the petitioner, since grant of such relief at this stage might prejudice a free, fair and effective investigation.

11. Accordingly, the instant petition stands dismissed.

12. Needless to say that nothing observed hereinabove shall be construed as an expression on the merits of the case.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

February 17, 2026
Ithlesh

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