

103 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28089-2022

Date of decision : 05.07.2022

Maninderpal Singh

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Ashish Grover, Advocate
for the petitioner.

RAJESH BHARDWAJ, J.

Petitioner has approached this Court praying for grant of anticipatory bail in case FIR No.64 dated 01.08.2021, under Sections 354, 354-A, 354-D and 452 of IPC, registered at Police Station Cantt. Bathinda, District Bathinda.

As per the facts of the case, the present FIR was lodged by the prosecutrix (name concealed). It was alleged that she is student of BA-2 studying at Punjabi University College Khuda. On 01.04.2021, when she boarded the bus, the accused Akashdeep caught hold her arm and on raising alarm by her, he fled away from the spot. On returning home, she disclosed the same to her parents and on their protest, the accused tendered apology in the presence of respectables of the village. Thereafter on 12.07.2021 at about 02:30 PM when she was alone at home, accused trespassed in her house and tried to kiss her. The prosecutrix raised an alarm and on hearing the same, the accused escaped from the spot. In order to save dignity of the family, she remained silent. However, the accused did not mend his ways and hence, the FIR was lodged to take the legal action against the accused. After recording the FIR, the supplementary statement of the prosecutrix was recorded wherein she clarified that the accused Akashdeep Singh is known by the name of Maninderpal Singh. Apprehending his arrest, the petitioner approached the Court of learned Additional Sessions Judge, Bathinda praying for grant of anticipatory bail. After

hearing the parties, learned Additional Sessions Judge declined the same vide his order dated 18.06.2022. Aggrieved by the same, the petitioner approached this Court praying for grant of anticipatory bail.

Learned counsel for the petitioner has contended that the petitioner has been falsely implicated in this case. He submits that there is unexplained delay in lodging the FIR. He further submits that the allegations are false and frivolous and no offence under Sections 354, 452 IPC are made out. He has submitted that the petitioner be granted anticipatory bail.

I have heard counsel for the petitioner and perused the record.

On perusal of the record, it is apparent that the prosecutrix has given the details of stalking by the petitioner. He has alleged to have outraged the modesty of the prosecutrix repeatedly. The prosecutrix is a young college going girl who is repeatedly being stalked by the petitioner. The delay in lodging the FIR cannot be taken into consideration at the stage of consideration of anticipatory bail when the investigation is at threshold. Hon'ble the Supreme Court has laid down in a number of judgments that while considering the anticipatory bail, the Court should consider the factors like gravity of the offence, antecedents of the accused, probability of the accused tampering with the ongoing investigation and his possibility of fleeing from the justice. Besides this, the Court is to strike the balance between the liberty of the individuals and the overall interest of the society. The facts and circumstances of the present case where the petitioner accused has been alleged to have been harassing the prosecutrix repeatedly are to be taken seriously. The case needs a thorough and fair investigation to unravel the truth in the allegations levelled.

Hon'ble the Supreme Court in State (rep by CBI) Vs. Anil Sharma, (1997) 7 SCC 187 held as under:-

6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well ensconced with a

favorable 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.

Keeping in view the overall facts and circumstances, this Court is of the opinion that the petitioner deserves no leniency for the grant of anticipatory bail in view of the statutory provisions and the law settled. Thus, the petition being devoid of any merits is hereby dismissed. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

05.07.2022
m. sharma

(**RAJESH BHARDWAJ**)
JUDGE

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