



CRM-M-40220-2025

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

(103)

CRM-M-40220-2025.

Date of Decision:-31.07.2025.

Vipul Kaushik

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr. Sandeep Siwach, Advocate for the petitioner.

Mr. Paras Talwar, Senior DAG, Haryana.

ALOK JAIN, J. (Oral)

1. The present petition is for grant of anticipatory bail to the petitioner in case FIR No.257 dated 06.07.2025 under Sections 75 (1), 79 of BNS, 2023, registered at Police Station Sector 8, Faridabad, District Faridabad.

2. Learned counsel for the petitioner submits that the entire allegations levelled in the FIR are false and frivolous and in fact the complainant was repeatedly absenting herself from the duty for which the petitioner being her employer, scolded her and warned her to be regular in performing her duties. However, different narrative of the incident has been reported, resulting in lodging of the present FIR. Learned counsel for the petitioner further submits that the whats-app chat (Annexure P-1) relied



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upon by the counsel for the petitioner clearly demonstrates that had the alleged incident reported by complainant actually occurred, the complainant would not have sent whats-app messages to the petitioner on the very next day. It is further submitted that the petitioner had already warned the complainant about the possibility of her removal from employment, therefore, the complainant in a calculated move, after delay of two days lodged the present FIR on 06.07.2025. Learned counsel for the petitioner argues that the delay is unexplainable in light of the fact that in the FIR, the complainant clearly stated that she informed her mother about the said incident on the same day on which the incident occurred.

3. *Per contra*, learned State counsel submits that during preliminary investigation, the CCTV footage was taken from the office premises in which it is clearly visible that the petitioner purposefully changed the direction of the CCTV cameras when the complainant was sitting in petitioner's room, consequently, the incident could not be recorded in the CCTV footage. Moreover, so far as the delay in lodging of the FIR is concerned, learned State counsel submits that the same is explainable as the complainant could have been in a state of shock or emotional distress, hence, the matter needs to be investigated thoroughly.

4. At this stage, learned counsel for the petitioner has raised an additional argument that the co-workers, who were also present at that time, did not report any such incident. In rebuttal, learned State counsel has clarified that the statement of the co-worker was also recorded and it was the specific case of the complainant also that initially two girls were called



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by the petitioner in his room and they were offered some eatables and thereafter, the co-worker was asked to leave the room by the petitioner and the statement of the co-worker is also to the same extent has also been recorded.

5. Heard the learned counsel for the parties at length and gone through the record.

6. Interestingly in the whats-app chat relied by the petitioner, the messages sent by the petitioner had been deleted by him obviously for the reasons best known to petitioner. Another aspect which needs to be considered is that the victim has not apparently exaggerated the complaint and has narrated only what betided on the date of incident. More so, the allegations are serious in nature to the extent that the petitioner is accused of an attempt to sexually harass the complainant at the workplace, which needs to be thoroughly investigated. The act and conduct of the petitioner does not entitle him to the concession of anticipatory bail as the investigation is at preliminary stage and it is a settled proposition of law as held in the case of **CBI Vs. Anil Sharma, (1997) 7 SCC 187**, that custodial interrogation yields better fruits for the investigation to be complete.

Relevant para reads as under:-

“We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation orientated 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 suspected person is of tremendous advantage in disinterring many useful informations and also materials



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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 would not conduct themselves as offenders.”

7. Be that as it may, the matter being at the preliminary stage of investigation does not entitle the petitioner to the concession of anticipatory bail.

8. Dismissed.

**(ALOK JAIN)
JUDGE**

July 31, 2025.

S. Sethi

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