



204

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

CRA-S-990-2025

Date of decision: 12.05.2025

GURTEJ SINGH

...Appellant(s)

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Mayank Goyal, Advocate for the appellant.

Mr. Vishal Kashyap, DAG, Haryana.

Mr. Munish Kamboj, Advocate for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present is an appeal filed by the appellant challenging the order passed by the learned Additional Sessions Judge, Fast Track Special Court, Sirsa dated 13.03.2025, vide which the application for grant of anticipatory bail to the appellant was dismissed.

2. Learned counsel for the appellant submitted that it is a case where as per the FIR which was got lodged by respondent No.2-complainant, allegations were levelled against the appellant pertaining to making obscene gestures towards her and taking off his shirt while standing in front of her house. He further submitted that the appellant has been falsely implicated in the present case and the provisions of SC/ST Act have been wrongly invoked as there are no imputations pertaining to the aforesaid Act. He also submitted that



the appellant is ready and willing to join the investigation as and when called by the Investigating Officer and therefore, he may be considered for the grant of anticipatory bail.

3. On the other hand, Mr. Vishal Kashyap, DAG, Haryana while referring to the status report filed on behalf of State of Haryana dated 28.04.2025 submitted that it is a case where serious allegations have been levelled against the appellant, wherein it has been so alleged by respondent No.2-complainant that she is of the age of 27 years and is a student and whenever she goes out of the house, the appellant who is her neighbour follows her and stands in front of her house and takes off his shirt and makes obscene gestures towards her. He further submitted that specific allegations have been levelled by respondent No.2-complainant against the appellant that on 28.10.2024 at about 08:00 A.M., when she left her house for going to the University, the appellant was standing in front of her house and on seeing her, he started making obscene gestures towards her and when he was stopped, he started abusing her and when respondent No.2-complainant told her mother about the said incident then her mother asked the mother of the appellant to make her son understand but the appellant started abusing her mother also and started throwing bricks and stones at her and thereafter, the brother of the complainant made a call to the police at No.112 and thereafter, a police vehicle arrived on the spot and rescued them from the appellant. He further submitted that respondent No.2-complainant has also alleged that her health has also deteriorated because of the aforesaid reason and her reputation has also been put at stake.



4. Learned State counsel while further referring to the aforesaid status report filed on behalf of the State of Haryana and on the basis of instructions submitted that it is not the first time that similar allegations have been made against the appellant and rather in a prior incident, FIR No.73 dated 12.06.2024 was registered against the appellant under Sections 147, 148, 294, 323, 452 and 506 of the IPC, wherein it was alleged that the appellant had lowered his pant and shown his private part to respondent No.2-complainant and the said act was also recorded on video and in this way, the appellant has been repeatedly doing the aforesaid action and the matter being extremely serious in nature, the custodial interrogation of the appellant is required in the present case.

5. Learned counsel for respondent No.2 submitted that the appellant not only on the present two instances as so stated by the learned State counsel but also number of times has made obscene gestures towards respondent No.2-complainant and lowered his pant in front of her. He further submitted that there is a grave apprehension that in case the appellant is granted the concession of anticipatory bail, then he will keep on repeating the aforesaid act, which has not only deteriorated the health of respondent No.2-complainant but has also impaired her reputation.

6. I have heard the learned counsels for the parties.

7. The present petition has been filed for grant of anticipatory bail to the appellant. The allegations against the appellant were pertaining to making obscene gestures towards respondent No.2-complainant and taking off his shirt in front of her. Learned State counsel as well as learned counsel for respondent No.2 have submitted that in an earlier FIR as aforesaid, rather more serious



allegations were made against the appellant pertaining to lowering his pant in front of respondent No.2-complainant.

8. After hearing the learned counsels for the parties, this Court is of the view that considering the aforesaid allegations and the role of the appellant not only in the present FIR but even in the earlier FIR as aforesaid, wherein rather more serious allegations have been made, the role of the appellant in the present case is extremely serious and against the public policy and public morals. It is a case where as per the learned counsel for respondent No.2, not only the health of respondent No.2-complainant but also her reputation is at stake as the appellant is repeatedly doing the aforesaid obscene acts towards her. The submission made by the learned State counsel that considering the aforesaid repeated conduct of the appellant, his custodial interrogation is required in the present case carries weight and cannot be ignored.

9. Therefore, considering the aforesaid facts and circumstances and without commenting anything on the merits of the case, the present petition is hereby dismissed.

10. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

12.05.2025
Chetan Thakur

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