



CRM-M-6218-2025 (O&M)

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

**CRM-M-6218-2025 (O&M)
Date of Decision: 09.07.2025**

Satish Kumar Tiwari

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Rishabh Gupta, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, Sr. DAG, Punjab.

Ms. R.K. Grewal, Advocate,
for the complainant.

JASGURPREET SINGH PURI, J. (ORAL)

CRM-25726-2025

For the reasons mentioned in the application, the same is allowed and the reply by way of an affidavit of the complainant along with Annexures R-2/1 to R-2/12 is taken on record, subject to all just exceptions.

Main case:

1. The present petition has been filed under Section 482 BNSS, 2023 for grant of anticipatory bail to the petitioner in FIR No.0138, dated 25.12.2024 under Sections 75(2) of BNS, 2023 and Section 7 of the POCSO Act, registered at Police Station Sadar Rajpura, District Patiala.

2. The FIR which was lodged against the petitioner and a translated copy of the same as Annexure P-1 is reproduced as under:-

“It is stated that I am the resident of above mentioned address and is doing a private job. My



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marriage was solemnized with Vinay Shukla daughter of Kirpa Ram Shukla resident of Shivajod, U.P about 20 years ago. Out of the said wedlock 2 daughters were born, my elder daughter is Priya Raj Shukin aged about 16 years and my younger daughter is Niharika aged about 8 years. Due to domestic reasons I got divorced with my first wife about 2 years ago. But my both daughters are living with me and my second wife Samriti. My elder daughter Priya Raj Shukla is studying in 11th class in Royal Model School Village Basantpura. About 2 years ago I and my wife Samriti had gone to U.P for some domestic work. My real sister Anju Bala who is living in Village Basantpura in a separate house with her family and I had left my elder daughter Priya Raj Shukla at my sister's house. When we returned from UP then my daughter Priya Raj Shukla told me that when you were gone to UP then I was alone in the house, then my uncle (fufa) Satish Kumar Tiwari son of Ram Shabad Tiwari resident of Basantpura had touched me with bad intentions. But I did not tell anyone about this so that my sister's marriage is not destroyed and because of which my daughter Priya Raj Shukla had gone into depression and I was also mentally disturbed because of this. But now I want that such person instead of being forgiven, appropriate legal punishment should be given. Appropriate legal action should be taken against Satish Kumar. Today, I came present in the police station and recorded my statement and read which is correct. Sd/- Vikramjeet 98991-28173.”

3. Learned counsel for the petitioner submitted that it is a case where the complainant has got two daughters and the elder one was of the age of 16 years at the time of lodging of the FIR and his younger daughter is of the age of



8 years. He further submitted that as per the allegations the complainant is a divorced person and his wife had left him about two years ago and about two years ago when he and his second wife had gone to Uttar Pradesh for some domestic work then he had left his elder daughter, who at that point of time was of the age of 14 years in the house of his real sister, namely, Anju Bala and when he came back from Uttar Pradesh, his daughter told him that her uncle (Fufa), who is the husband of his real sister had touched her with bad intentions. On the basis of which, the present FIR was got lodged in which the petitioner is praying for grant of anticipatory bail.

4. Learned counsel for the petitioner further submitted that in fact there is a family dispute between the complainant and the wife of the petitioner because they both are siblings and there is an ancestral property of the father-in-law of the petitioner, who is also the father of the complainant but matrimonial dispute had taken place between the petitioner with his wife and it was because of this dispute that after a delay of two years on basis of a complaint, the present FIR was got lodged. He submitted that it is not a case where any overt act of sexual abuse has taken place and even in the FIR itself, the allegations against the petitioner are only of touching the daughter of the complainant. He also submitted that it was in this background that the present FIR was registered by concocting a story and by tutoring a minor girl who gave a statement in this regard. He further submitted that otherwise also at the time of issuance of notice of motion on 03.02.2025, the arrest of the petitioner was stayed and thereafter, he has joined the investigation and has also fully cooperated with the investigation process and he has clear and specific instructions from the petitioner to state before this Court that in future also in case he is further required for joining the investigation, he will not only join the investigation but will also fully cooperate with the investigation process in all



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respects and therefore, the petitioner may be granted the concession of anticipatory bail

5. On the other hand, Mr. Gaurav Gurcharan Singh Rai, learned Sr. DAG, Punjab has stated on instructions from ASI Jaskaran that after the arrest of the petitioner was stayed on 03.02.2025, the petitioner has joined investigation and has fully cooperated with the investigation process and he has specific instructions from the I.O. to state that the petitioner is not required for custodial interrogation.

6. Ms. R.K. Grewal, learned counsel for the complainant has referred to the reply/affidavit filed by the complainant and submitted that before lodging of the FIR, the petitioner and the family members of the complainant had threatened him that if he files any such complaint or FIR against the present petitioner, the same will be because of the property dispute whereas the complainant does not want any kind of share in the ancestral property and therefore, the argument which has been raised by learned counsel for the petitioner that there was a property dispute is a false argument because there is no such family dispute is going on. She also submitted that there is an apprehension that since earlier also the petitioner had threatened the complainant, he will again do so in case any such benefit of anticipatory bail is granted to him. Therefore, she has prayed for dismissal of the present petition. She further submitted that it is not probable that a girl of the age of 16 years can get tutored for giving such kind of statement against the petitioner. She also submitted that the daughter of the complainant is now rather suffering from mental depression and is on medication with regard to her treatment.

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

8. As per the allegations as so contained in the FIR and so submitted by learned counsels for the parties, the petitioner and complainant are related to



each other. Allegations were of touching a girl by her own uncle (Fufa) with wrong intention. The FIR was lodged after a delay of two years. It was the argument of the learned counsel for the petitioner that the allegations are false and concocted because the same are as a result of family dispute between the parties and during the course of arguments, learned counsel for the petitioner also submitted that there is a civil suit pending at Sarahvasti in Uttar Pradesh between the father of the complainant as well as the complainant and that was the reason the present FIR was lodged by way of a concocted story. On the other hand, it was the argument of learned counsel for the complainant that the complainant does not want any share in the ancestral property and there is no family dispute between them and rather it was the case of the counsel for the complainant that the petitioner had prior to the lodging of the FIR had threatened the complainant, regarding which, a complaint was made to the police but no action has been taken in this regard. Learned State Counsel has so specifically submitted that after joining the investigation by the petitioner, he has clear instructions to state that he is not required for custodial interrogation because he has fully cooperated with the investigation process.

9. At the time of consideration of the grant of anticipatory bail, the Court has to strike a balance between the allegations, the role attributable to the accused and the gravity of the offence on the one hand and on the other hand, the Right of Liberty enshrined under Article 21 of the Constitution of India and the balance has to be struck on the basis of the aforesaid factors by the Court. In the facts and circumstances as so stated by the learned counsels for the parties and the fact that the petitioner has already joined the investigation and as per learned State counsel he is not required for custodial interrogation, this Court is of the considered view particularly in view of the fact that the role attributed to the petitioner was only with regard to touching the daughter of the



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complainant and the FIR was being lodged on the basis of complaint after a period of two years, the liberty of the petitioner would outweigh the allegations against him in the present case. Therefore, in the totality of the facts and circumstances, this Court is of the considered view that the petitioner deserves the concession of anticipatory bail.

6. Consequently, the present petition is allowed. It is directed that in case in future the petitioner is required to join investigation, then he shall join the same and shall also co-operate fully with the investigation process. In the event of arrest, the petitioner shall be released on bail on his furnishing of personal bonds and surety bonds to the satisfaction of the Arresting/Investigating Officer and he shall also abide by the conditions as provided under Section 482(2) BNSS.

09.07.2025

Bhumika

**(JASGURPREET SINGH PURI)
JUDGE**

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| 1. Whether speaking/reasoned: | Yes/No |
| 2. Whether reportable: | Yes/No |