



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

205

CRM-M-16472-2025

Date of decision : 07.08.2025

Deepanshu

....Petitioner

V/S

State of Haryana and another

....Respondents

CORAM : HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Arun Chander Sharma, Advocate for the petitioner.

Ms. Mahima Yashpal Singla, Senior D.A.G., Haryana.

None for the complainant.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case FIR No.30 dated 06.02.2025 registered under Sections 78 of Bharatiya Nyaya Sanhita, 2023 at Police Station Sanoli, District Panipat.

2. In terms of order dated 08.04.2025, learned State counsel has filed compliance report in the Court today which is taken on record. As per said report, the complainant has been informed about the pendency of the present petition. However, no one has put in appearance on behalf of the complainant.

3. Brief facts of the case are that the father of the prosecutrix made a complaint to the police alleging therein that they have already lodged FIR No.317 dated 13.12.2023 and FIR No.116 dated 10.05.2024 against accused-Deepanshu (the present petitioner), but despite that he was abusing, assaulting and harassing her by making repeated phone

**CRM-M-16472-2025****2**

calls and continuously stalking his daughter. The family members of the complainant apprehended a threat to their lives from the petitioner and requested for taking strict legal action against him. On the basis of the said complaint, the instant FIR was registered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. He submits that earlier, the petitioner has been falsely implicated in case FIR No.317 dated 13.12.2023 under Sections 354, 452 & 511 of IPC registered at Police Station Sanoli, District Panipat, in which he has been granted anticipatory bail vide order dated 05.03.2024 passed by this Court in CRM-M-3185-2024. However, due to grudge, the complainant party again lodged an FIR No.116 dated 10.05.2024 under Sections 195A, 223 & 452 of IPC at Police Station Sanoli, District Panipat in which the petitioner has also been granted the concession of regular bail vide order dated 28.06.2024 passed by this Court in CRM-M-28210-2024. Now, the complainant party has lodged the instant FIR against the petitioner. He further submits that on one side, the complainant party is putting pressure upon the petitioner to compromise with them and on the other hand they are lodging false FIRs against him. He also submits that no recovery is to be effected from the petitioner and he is ready to join the investigation. Therefore, the petitioner may be granted anticipatory bail.

5. Per contra, learned State counsel, while referring to the averments made in the status report, has vehemently opposed the prayer for grant of anticipatory bail to the petitioner on the ground that the petitioner is a habitual offender and is continuously harassing the



daughter of the complainant. He further submits that custodial interrogation of the petitioner is necessary for thorough investigation of the case, therefore, he does not deserve the concession of anticipatory bail.

6. I have heard learned counsel for the parties and perused the record.

7. As per law laid down by the Hon'ble Supreme Court in ***State of Madhya Pradesh Vs. Pradeep Sharma : (2014) 2 Supreme Court Cases 171***, power exercisable under Section 438 Cr.P.C. (now Section 482 of the Bharatiya Nagrik Suraksha Sanhita, 2023) is somewhat extraordinary in character and it is to be exercised only in exceptional cases, where it appears that the person may be falsely implicated or where there are reasonable grounds for holding that a person accused of an offence is not likely to otherwise misuse his/her liberty. Also in determining the parameters in granting anticipatory bail in cases of serious offences, the Hon'ble Supreme Court in ***Bhadresh Bipinbhai Seth v. State of Gujarat and another, (2016)1 SCC 152*** after analysing the entire law has observed as under: -

“23. xx xx xx xx xx

(a) *The nature and gravity of the accusation and the exact role of the accused must be properly comprehended before arrest is made;*

(b) *The antecedents of the applicant including the fact as to whether the accused has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;*

(c) *The possibility of the applicant to flee from justice;*



- (d) *The possibility of the accused's likelihood to repeat similar or other offences;*
- (e) *Where the accusations have been made only with the object of injuring or humiliating the applicant by arresting him or her;*
- (f) *Impact of grant of anticipatory bail particularly in cases of large magnitude affecting a very large number of people;*
- (g) *The courts must evaluate the entire available material against the accused very carefully. The court must also clearly comprehend the exact role of the accused in the case. The cases in which the accused is implicated with the help of Sections 34 and 149 of the Penal Code, 1860 the court should consider with even greater care and caution, because over implication in the cases is a matter of common knowledge and concern;*
- (h) *While considering the prayer for grant of anticipatory bail, a balance has to be struck between two factors, namely, no prejudice should be caused to free, fair and full investigation, and there should be prevention of harassment, humiliation and unjustified detention of the accused;*
- (i) *The Court should consider reasonable apprehension of tampering of the witness or apprehension of threat to the complainant;*
- (j) *Frivolity in prosecution should always be considered and it is only the element of genuineness that shall have to be considered in the matter of grant of bail and in the event of there being some doubt as to the genuineness of the prosecution, in the normal course of events, the accused in entitled to an order of bail. xx xx xx”*
8. As per the prosecution, earlier the prosecutrix (daughter of the present complainant) made a complaint to the police alleging therein

**CRM-M-16472-2025**

5

that on 13.12.2023 at about 3:00 A.M., the petitioner came to her house and tried to assault her and also scuffled with her family members. This had happened to them 3-4 times. She also alleged that the petitioner always teases her while she was going anywhere. On the basis of the said complaint, FIR No.317 dated 13.12.2023 under Sections 354, 452 & 511 of IPC was registered against the petitioner at Police Station Sanoli, District Panipat, in which he was granted anticipatory bail vide order dated 05.03.2024 passed by this Court in CRM-M-3185-2024. Meanwhile, the mother of the prosecutrix (wife of the present complainant) made a complaint to the police alleging therein that on 06.05.2024 at about 6:00 p.m., when she was alone in the house, the petitioner again entered into their house and extended threat to her to testify in his favour in case bearing FIR No.317 dated 13.12.2023. He hurled abuses to her, physically assaulted her and extended threats to kill her and her daughter, if they did not so testify in his favour. On the basis of the said complaint, another FIR No.116 dated 10.05.2024 under Sections 195A, 223 & 452 of IPC was registered against the petitioner at Police Station Sanoli, District Panipat and the petitioner was arrested on 10.05.2024. In the said FIR, the petitioner was granted the concession of regular bail vide order dated 28.06.2024 passed by this Court in CRM-M-28210-2024. Now, the father of the prosecutrix has made a complaint to the police that the petitioner is still abusing, assaulting and harassing her daughter by making repeated phone calls and always following his daughter wherever she goes. In her statement recorded under Section 183 of BNSS, 2023, the daughter of the



CRM-M-16472-2025

6

complainant also made a specific allegations against the petitioner which reads as under :-

“Deepanshu of my village follows me and harassing me by calling me. He is already involved in two cases. Wherever I go, either at Sanjay Chawk or in village, he follows me. I am in danger from Deepanshu.”

9. The allegations against the petitioner are serious in nature. Despite registration of two FIRs, the petitioner is not mending his ways and is constantly calling the daughter of the complainant and following her at every place wherever she goes. He also misused the concession of bail granted to him in earlier cases by threatening the complainant party. Custodial interrogation of the petitioner may provide information leading to the discovery of material facts. Curtailing his freedom is necessary in order to enable the investigation to proceed without hindrance and to protect witnesses at this stage. Reliance can be placed upon the dictum of the Hon’ble Supreme Court in ***Prem Shankar Prasad Vs. The State of Bihar and another : 2021(4) RCR (CrL) 598*** and ***Anil Kumar Singh Vs. High Court of Judicature at Patna through its Registrar General and another : (2020)19 Supreme Court Cases 364***, wherein the Hon’ble Apex Court had denied the concession of anticipatory bail in view of the gravity of offences and the conduct of the petitioner.

10. No other point has been argued.

11. In view of the facts and circumstances of the case, I am of the considered view that petitioner cannot *prima facie* be said to have been falsely enroped in the crime as despite registration of two FIRs against the petitioner, he is still threatening the complainant party and

**CRM-M-16472-2025**

7

continuously stalking the prosecutrix and therefore, his custodial interrogation is necessary in the case and that petitioner may abscond and misuse his liberty and does not deserve concession of anticipatory bail.

12. In view of the above, the instant petition is dismissed.

13. However, nothing stated hereinabove shall be construed as a final expression of opinion on the merits of the case.

07.08.2025*kothiyal***(NAMIT KUMAR)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No