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

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Date of decision : 02.05.2025

Sushil Kumar @ Silly

... Petitioner

Versus

The State of Haryana

.. Respondent

CORAM : HON'BLE MR. JUSTICE H.S.GREWAL

Present:- Mr. Sushil Bhardwaj, Advocate for the petitioner.

Ms. Ankita Ahuja, AAG, Haryana.

H.S. Grewal, J.

The petitioner is seeking anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in FIR No.68 dated 05.02.2025, under Sections 123, 351(2), 115 of the BNS, 2023 (Section 67 of the IT Act deleted later on), registered at Police Station Assandh, District Karnal.

2. Learned counsel for the petitioner submits that it is alleged in the FIR that the complainant was given an intoxicant substance in his liquor by the accused persons due to which he became unconscious. Thereafter, his health was deteriorated and he remained lying at home. When he went to the village, he learnt that a video of his unnatural sex had gone viral and when he enquired about the incident, he came to know that the accused persons including the petitioner had committed unnatural sex with him one by one and inserted radish in his anus and had also made the video of that incident. They threatened the complainant not to report the incident to the police, otherwise they will



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make his video even more viral and kill him. Learned counsel for the petitioner, however, submits that the complainant was the consenting party as he had willingly gone to the place of occurrence and had actively participated in the occurrence. Therefore, he prays that the petitioner be granted anticipatory bail as he would cooperate with the investigating agency.

3. On the other hand, learned State counsel has vehemently opposed the grant of anticipatory bail to the petitioner as the petitioner was directly involved in the incident. He, upon instructions, submits that the custodial interrogation of the petitioner is necessary.

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

5. In view of the submissions of learned counsel for the parties and keeping in view the gravity of the offence and the uncontested involvement of the petitioner in the incident, this Court is not inclined to grant anticipatory bail to the petitioner as the custodial interrogation is essential for proper investigation in this case.

6. Consequently, the petition is hereby dismissed.

7. However, it is made clear that the observations made hereinabove would not have any bearing on the merits of the case.

(H.S.GREWAL)
JUDGE

02.05.2025
A.Kaundal

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