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

**CRA-S-1149-2025 (O&M)**  
**Date of Decision: 10.07.2025**

**Rana Jawa**

....Appellant(s)

Versus

**State of Haryana and another**

.....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI**

Present: Mr.Sarun Hans, Advocate, for the appellant.

Mr. Vipul Sherwal, AAG, Haryana.

Mr. K.S. Dhanora, Advocate, for the complainant.

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**JASGURPREET SINGH PURI, J. (Oral)**

1. The present appeal has been filed challenging the order dated 28.03.2025 passed by the learned Additional Sessions Judge, Hisar, whereby the application for grant of anticipatory bail of the appellant has been declined. The present FIR was lodged on 04.02.2025 which has been attached with the present appeal as Annexure A-1 which is reproduced as under:-

***“F.I.R. No.56 dated 04.02.2025 P.S. City Hisar, District Hisar  
To SHO, Police Station City Hisar Sir, I am Tanuja daughter  
of Shri Mukader caste Valmiki resident of H.No. 273 Shyam  
Enclave Kaimri Road Hisar. My age is 21 years. I used to  
make calls for admission in University in Balaji Tower 2nd  
floor. Due to the death of my boss, the office was closed and  
I lost my job. As, I needed a job, so I talked to my friend***



*about the job, she told me about the loan office on the 3rd floor of the tower whose owner is Rana Jawa. Yesterday my friend went to his office and came back after talking to the boss about the job. He took my interview and told me about the job. He said that from today your job is confirmed and he hugged me. Which I could not understand according to him. And in the evening I went home. Today on 04.02.2025 I reached office at 10.00 AM and office was closed so I called Sir and he told me that I will be a little late. So I sat in my friend Nikita's office. At around 1.00 PM Sir called me and said that come to office I have come to office. I went and sat in office. After talking for some time Sir got up and came to me and started teasing me with wrong intention and held me tightly in his arms and started pressing my chest. When I tried to free myself he started abusing and beating me and said that I have seen many Churi like you. I ran to my friend's office and told her everything and came to police station with her.. Rana Sir misbehaved with me, legal action should be taken against him Today Police Station: Today, I EASI present in the police station that the victim Tanuja came to the police station and submitted an application, from which it was found that offence under section 74, 75(2), 115 BNS 3(1)W(1), 3(1)S SCST Act has been committed, and the case was handed over to MHC police station for getting the complaint registered. Special report of this case should be sent to the service of Area Magistrate and higher officers. EASI is not the investigating officer under the above mentioned sections. After registering the FIR, the case should be handed over to the competent investigation officer. I am EASI present on the spot. Today, Police Station City Hisar. SD. SHARMILA PS CITY HISAR DT. 04.02.2025 AT 23.15 PM Action Police Station:- On receipt of the above mentioned complaint at the police station, the case or crime*



*was registered above and saved into the computer and copies of the FIR were prepared. The special report of this case is being sent to the duty magistrate's email ID anuradhaadvocate27@gmail.com and SP's email ID rdrsphsr@gmail.com and to the Area officer's email ID and in future the special report of the case will be sent by post to the Magistrate and higher officials. The copy of the police file and the original application will be sent to the Deputy Superintendent of Police, Hisar by the area officer Shri Sunil Kumar H.P. for further investigation. The police officer Shri Sunil Kumar has been informed about the case”.*

2. Learned counsel appearing on behalf of the appellant submitted that as per the allegations contained in the FIR, the appellant was running his own business pertaining to financial work and as per the allegations, the complainant had gone to his office for the purpose of an interview and she was employed by the petitioner and on her first day of work, the petitioner touched the complainant inappropriately and also grabbed her in his arms and started pressing her breasts and made casteist imputations against the complainant who belongs to the reserved category. He submitted that all the allegations contained in the FIR are totally false and a story has been concocted because of reasons best known to the complainant who is a lady of mature understanding.

3. Learned counsel also submitted that at the time when notice was issued for 03.04.2025, the arrest of the appellant was also stayed and thereafter, the appellant has already joined the investigation and he has fully cooperated with the investigation process and therefore, he may be considered for the grant of anticipatory bail and the order by which the



anticipatory bail has been declined be set aside. He further submitted that the bar under Sections 18 and 18-A of the SC/ST Act in the present case would not be applicable in view of the fact that there had been an abuse of the process of law on the part of the complainant as she lodged the present FIR because after the interview she did not get the job and due to her vindictive attitude, the present FIR was lodged against the appellant. He further submitted that the allegations against the appellant were with regard to touching inappropriately and grabbing the complainant in his arms and there was no other person in the room and the same can only be seen or proved at the time of trial only by way of adducing evidence but at the same time, it is the personal liberty of the appellant which is at stake because of the aforesaid FIR being registered against the appellant. He submitted that the appellant is a father of two daughters of the age of 21 years and 16 years and it is highly improbable that the allegations put up by the complainant can sustain in view of the fact that not only he is a father of two daughters but also in view of the fact that he is also a diabetes patient including severe medical conditions including loss of vision in one eye and an unhealed leg injury due to diabetes and he is having multiple number of ailments and otherwise also on that ground as well, his custodial detention will be a serious threat to his life itself. He submitted that the bar contained under Sections 18 and 18-A of the SC/ST Act is not absolute and law has since been settled by Hon'ble Supreme Court in ***Prathvi Raj Chuahan Versus Union of India and others, 2020 (4) SCC 727*** and thereafter again by another judgment of Hon'ble Supreme Court in ***Shajan Skari Versus The State of Kerala and another, 2024 SCC Online SC 2249***.



4. Learned State counsel has filed status report which is taken on record and a copy has been supplied to the learned counsel for the petitioner and the complainant.

5. Learned State counsel has submitted on instructions from ASI Sharmila who is present in the Court that after the arrest of the appellant was stayed by this Court, the appellant has joined the investigation and he has fully cooperated with the investigation process and he has specific instructions to state that he is not required for custodial interrogation.

6. Mr. K.S. Dhanora, Advocate has appeared on behalf of the complainant and has submitted that the allegations against the appellant are totally serious in nature especially in view of the fact that when the complainant had gone to the office of the appellant for an interview whereby she was appointed and on her first day of work, he had touched her inappropriately and allegations have also been made including grabbing her into his arms and therefore, the appellant is not entitled for the grant of anticipatory and has prayed for dismissal of the present appeal.

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

8. A perusal of the FIR, which has been reproduced above, would show that the allegations which were made by the complainant were pertaining to the fact that she had gone to the office of the appellant on her first day of work in his office and thereafter, there were allegations of misconduct by the appellant as aforesaid. However, it was the argument of the learned counsel for the appellant that the complainant after not being selected in the interview, concocted a story as an afterthought and lodged the present FIR. It was also the case of the learned counsel for the appellant



that the appellant is a married person having two daughters of the age of 21 years and 16 years and is suffering from multiple ailments including diabetes and he has impaired eye and leg.

9. However, the learned State counsel has specifically stated on instructions that the appellant has fully cooperated with the investigation process after his arrest was stayed and he is not required for custodial interrogation. However, the counsel for the complainant has opposed the grant of bail to the appellant on the ground that the allegations against him were serious in nature.

10. After hearing the learned counsel for the parties, this Court is of the considered view that since the allegations against the appellant, although may be termed as serious in nature but have to be tested on the touchstone of the right under Article 21 of the Constitution of India. It is settled law that at the time of consideration of the grant of anticipatory bail, the Court has to strike a balance between the liberty enshrined under Article 21 of the Constitution of India on the one hand and the role of the accused, allegations and the gravity of the offence on the other hand.

11. This Court on the basis of the aforesaid facts and circumstances is of the considered view that in the present case, the liberty of the appellant would outweigh the alleged role and the gravity of the allegations made against the appellant considering the peculiar facts and circumstances as aforesaid and more particularly that he has two grown up daughters and is suffering from multiple ailments etc.

12. So far as the bar of Sections 18 and 18-A of SC&ST Act is concerned, it is settled law that the aforesaid bar is not absolute in nature.



From the facts and circumstances and the allegations contained in the present FIR and as stated by the learned counsels for the parties, this Court is of the considered view that the bar of Sections 18 & 18-A of the SC&ST Act will not apply in the present case because the liberty granted to the appellant guaranteed under Article 21 of the Constitution of India outweighs the alleged role and the gravity of the offence and also the fact that it is the categorical stand of the learned State counsel that the appellant has already joined the investigation and he is not required for custodial interrogation.

13. In view of the aforesaid facts and circumstances, the present appeal is allowed. The impugned order dated 28.03.2025 is hereby set aside. It is directed that in case in future the appellant is required to join the investigation process, then he shall join the investigation and cooperate fully with the investigation process. In the event of arrest, the appellant shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction.

**10.07.2025**

*rakesh*

**(JASGURPREET SINGH PURI)**  
**JUDGE**

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