101 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-S-2091-2026
Date of Decision : 26.06.2026

NITU RANI **.....Appellant**

VERSUS

STATE OF HARYANA AND ORS.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Khushager Goyal, Advocate
for the appellant.

HARSIMRAN SINGH SETHI, J. (Oral)

1. The present appeal has been filed under Section 14A of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the impugned order dated 29.05.2026 passed by the Learned Additional Sessions Judge Sirsa, whereby the appellant's application for grant of anticipatory bail in FIR No. 47 dated 15.05.2026, registered under Sections 127(4), 143(2), 3(5), 51(3) and 64(2)(n) of the BNS, 2023 at Women Police Station, Sirsa, District Sirsa, was dismissed.

2. Learned counsel for the appellant argues that although certain allegations have been alleged against the husband of the appellant but the appellant has been falsely implicated in regard to the aforementioned FIR as she has no concern with the hotel being run by her husband.

3. Learned counsel for the appellant further submits that the allegations alleged against the appellant are incorrect and that the mere mentioning of name of the appellant in the FIR does not establish proving of

2026:PHHC:088152

the allegations leveled against appellant. It is further submitted that the appellant is ready to join the investigation. Learned counsel for the appellant submits that there has been a delay of seven months in lodging the said FIR. It is further submitted that the complaint on the earlier occasion was made only against the husband of the appellant regarding financial transactions, wherein no allegations qua sexual exploitation were made. It is also submitted that one of the co-accused, namely Happy Singla, has already been granted the concession of anticipatory bail.

4. Notice of motion.

5. Mr. Rahul Dev, Addl. A.G., Haryana accepts notice on behalf of the respondent-State and submits that the appellant was specifically named in the FIR and that the allegations alleged are serious in nature that she forced the complainant into performing immoral acts for financial gain.

6. Learned counsel for the respondent submits that the custodial interrogation of the appellant is necessary to ascertain the truth.

7. Learned counsel for the respondent submits that the parity being sought by the appellant with regard to the grant of concession of anticipatory bail to Happy Singla is misconceived, as during the course of investigation it was found that Happy Singla, who claimed herself to be a YouTuber, was merely trying to settle the dispute on payment of financial consideration by acting as a mediator between the parties.

8. I have heard learned counsel for the parties and have gone through the record of the present case with their able assistance.

9. Since the allegations alleged against the appellant are very specific with regard to the sexual exploitation of the complainant for financial gain so as to force her to do immoral activities, the matter requires a thorough investigation.

10. Keeping in view the judgment passed by the Hon'ble Supreme Court of India in ***Adri Dharan Das vs. State of West Bengal, AIR 2005 SC 1057***, it is a settled principle of law that custodial interrogation is one of the most effective means to elicit the truth behind the allegations. The relevant paragraph of the said judgment is as under:-

> *"Ordinarily, arrest is a part of the process of investigation intended to secure several purposes. The accused may have to be questioned in detail regarding various facets of motive, preparation, commission and aftermath of the crime and the connection of other persons, if any, in the crime. There may be circumstances in which the accused may provide information leading to discovery of material facts. It may be necessary to curtail his freedom in order to enable the investigation to proceed without hindrance and to protect witnesses and persons connected with the victim of the crime, to prevent his dis- appearance to maintain law and order in the locality. For these or other reasons, arrest may become inevitable part of the process of investigation. The legality of the proposed arrest cannot be gone into in an application under Section 438 of the Code. The role of the investigator is well-defined and the jurisdictional scope of interference by the Court in the process of investigation is limited. The Court ordinarily will not interfere with the investigation of a crime or with the arrest of accused in a cognizable offence. An interim order restraining arrest, if passed while dealing with an application under Section 438 of the Code will amount to interference in the investigation, which cannot, at any rate, be done under Section 438 of the Code."*

11. Learned counsel for the appellant has not been able to dispute the fact that the appellant has been specifically named in the FIR with distinct allegations alleged against her. Once specific allegations have been levelled against the appellant and her husband, who are alleged to be the

persons running the hotel where the complainant was allegedly sexually exploited for financial gains, this Court is of the considered view that the custodial interrogation of the appellant is necessary for the purpose of investigation.

12. With regard to the grant of anticipatory bail to Happy Singla, it should be noted that no allegations of sexually exploiting the complainant have been alleged against the said accused. Rather, she is alleged to have attempted to settle the dispute between the parties on financial terms. The other accused, namely Arun Kumar as well as Prince Arora have already been arrested.

13. Keeping in view the totality of the circumstances and the serious allegations of sexual exploitation for financial gain so as to force the complainant to immoral acts levelled against the appellant, this Court is of the considered view that the matter requires custodial interrogation of the appellant so as to achieve the purpose of investigation.

14. Accordingly, the present appeal stands dismissed.

(HARSIMRAN SINGH SETHI)
JUDGE

26-06-2026
Sapna Goyal

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO