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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52418-2024
Date of decision: 04.07.2025

GURWINDER SINGH

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Naveen Batra, Advocate for the petitioner.

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

Mr. Sunny K. Singla, Advocate for respondent No.2.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the BNSS, 2023 for the grant of anticipatory bail to the petitioner in FIR No.148 dated 30.06.2024, under Sections 376 and 506 of the IPC (Section 376(2)(n) of the IPC added later on), registered at Police Station Bhawanigarh, District Sangrur, Punjab.
2. The allegations contained in the FIR (Annexure P-1) are reproduced as under:-

“Copy of statement ” Statement of Jaspreet Kaur D/o Satgur Singh S/o Gurmail Singh, R/o Jhaneri, Police Station Bhawanigarh, District Sangrur, Mobile NO.78147-35743. Stated that I am resident of aforementioned address and doing household work. In the month of March I came in contact in Bhawanigarh with Gurwinder Singh S/o Balkar



Singh R/o Ward no.8, Ghagga, District Patiala C/o 14 Sikh Regiment, Pathankot, who is working in the Indian Army. We started talking on mobile phone. He told me I will marry with you. When Gurwinder Singh came on leave then he called to meet me and started threatening me in case I did not come to meet him then he will die after consuming something. Sometime Gurwinder Singh take me on his motorcycle to different hotels from Bhawanigarh to Patiala or Sangrur. On 12.04.2024, I went to Amritsar to receive Gurwinder Singh, when he came on leave then Gurwinder Singh took me to some hotel in Amritsar Sahib where he promised me that he will marry me and made physical relation with me and thereafter, Gurwinder Singh refused to marry me till date Gurwinder Singh had taken me to different places (Sangrur, Patiala, Bhawanigarh, Amritsar Sahib) in different hotels and under the pretext of marriage made physical relation with me. Legal action be taken against Gurwinder Singh. I am making this my statement in presence of my mother-Karamjit Kaur heard and is correct. Sd/- Jaspreet Kaur.”

3. Learned counsel for the petitioner submitted that when notice of motion was issued by this Court on 22.10.2024, the petitioner was granted interim anticipatory bail and he was directed to join the investigation. He further submitted that in pursuance of the aforesaid order passed by this Court, the petitioner has already joined investigation and he has fully cooperated with the investigation process and has also surrendered his mobile phone to the Investigating Officer and therefore, the aforesaid order dated 22.10.2024 may be made absolute. He also submitted that the petitioner is serving in the Indian Army.

4. Learned counsel for the petitioner further submitted that it is a case where the complainant has made allegations against the petitioner that on the false pretext of marriage, he had developed physical relations with her. He



further submitted that the complainant is of the age of 24 years and is having fair and mature understanding and now since the petitioner has already joined the investigation, the aforesaid order dated 22.10.2024 may be made absolute.

5. On the other hand, Mr. Gaurav Gurcharan Singh Rai, Senior DAG, Punjab submitted on instructions from ASI Sukhpal Singh that in pursuance of the order passed by this Court on 22.10.2024, the petitioner has already joined investigation and he has fully cooperated with the investigation process and has also surrendered his mobile phone to the Investigating Officer and is not required for custodial interrogation.

6. Learned counsel for respondent No.2-complainant submitted that the allegations against the petitioner were serious in nature.

7. After hearing the learned counsels for the parties, this Court is of the view that considering the allegations levelled against the petitioner by respondent No.2-complainant, who is stated to be of the age of 24 years and the fact that the petitioner has already joined the investigation and he has fully cooperated with the investigation process and has also surrendered his mobile phone and as per the stand taken by the learned State counsel that he is not required for custodial interrogation, the petitioner deserves the concession of anticipatory bail.

8. Consequently, the present petition is allowed and the order dated 22.10.2024, is hereby made absolute.

(JASGURPREET SINGH PURI)
JUDGE

04.07.2025
Chetan Thakur

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