



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33170 of 2025(O&M)

Date of Order:16.09.2025

Gurcharan Singh Sagar

..Petitioner

Versus

State of Punjab and another

..Respondents

CRM-M-33204 of 2025(O&M)

Kashturi Lal

..Petitioner

Versus

State of Punjab and another

..Respondents

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Bipan Ghai, Sr. Advocate, with
Mr. Nikhil Ghai, Advocate
Mr. Nikhil Thamman, Advocate
for the petitioner (in both the cases).

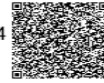
Mr. Hardeep Singh Wadhwa, DAG, Punjab

Mr. Atul Kumar, Advocate, for
Mr. G.S.Ghuman, Advocate
for the complainant.

SHALINI SINGH NAGPAL, JUDGE

1. This order disposes CRM-M-33170 of 2025, filed by Gurcharan Singh Sagar and CRM-M-33204 of 2025, filed by Kashturi Lal. For the facility of reference, facts are being taken from CRM-M-33170 of 2025.

2. Petitioners in both cases seek anticipatory bail in case vide FIR No.88, dated 25.05.2025, under Sections 376(2)(n), 376DA IPC and Section 6 of Protection of Children from Sexual Offences Act, 2019, Police Station Mullanpur, Districtr SAS Nagar (MOhali). Both are first petitions for



anticipatory bail.

2. The FIR was registered on complaint of the victim, who stated that four years ago, she worked in the shop of Baljit Kaur in Mullanpur Garibdass and travelled to the shop by auto rickshaw. Shop of Kashturi Lal was adjacent. He offered to drop her at Sarangpur in his vehicle and she started travelling in the car of Kashturi Lal. Kashturi Lal took her to his house on the pretext of fetching some articles and committed rape under threat and intimidation. Out of fear, she did not disclose the incident. Thereafter, for four years, Kashturi Lal forcibly made physical relations with her. He took her to a guest house in Naya Gaon by alluring her and called his friend Gurcharan Singh. Kashturi Lal served her water by mixing some intoxicant, rendering her semi-conscious. Gurcharan Singh disrobed her and forcibly committed rape which she could not resist. Both of them made physical relations with her against her wishes.

3. Learned counsel for the petitioners argued that during investigation of the case, statement of the victim was recorded. She stated before learned JMIC, SAS Nagar, that none of the petitioners committed the offence and that she made the statement due to some misunderstanding. He further submits that pursuant to order dated 24.06.2025 of this Court, petitioners had joined investigation and were no longer required by the police.

4. Learned State counsel has filed status report by way of affidavit of Superintendent of Police, Sub Division, Mullanpur, District SAS Nagar (Mohali), dated 15.09.2025. He submits that statement of the prosecutrix under Section 164 Cr.P.C. was recorded. However, she refused for internal



medical examination and there was no injury observed during general medical examination. During investigation, the prosecutrix did not provide any information regarding the scene of the alleged incident, nor any identification was conducted, therefore, there was no information regarding the place of occurrence. Further, prosecutrix consistently stated that she did not wish to take any action in the FIR.

5. Sh. Atul Kumar, Advocate for respondent no.2 has not opposed the prayer for bail.

6. In her statement under Section 183 Bhartiya Nagarik Suraksha Sanhita, 2023, dated 17.07.2025, prosecutrix stated that Kashturi Lal and Gurcharan Singh are not the persons who committed rape on her.

7. Relevant portion of the status report filed by the Police is reproduced hereunder:-

“From the totality of circumstances, it came to light that the prosecutrix does not possess complete or reliable information regarding the persons involved in the alleged incident or the place of occurrence and she does not wish to take action against anyone, nor does she desire further investigation. No concrete evidence has emerged against the accused during the course of the investigation. Finding unjustified to continue the investigation, as it would constitute an unnecessary expenditure of police resources and judicial time. Accordingly, a closure (cancellation) report in the present case/FIR No.88 (supra) was prepared on



11.09.2025 and submitted to the concerned senior officials and after being thoroughly examined and considered, it was subsequently approved by the SSP, District SAS Nagar and shall be presented before the learned Court of competent jurisdiction at the earliest.”

8. Vide orders of this court dated 24.06.2025, the petitioners were ordered to be released on interim bail, till the next date of hearing, on their furnishing adequate bail bonds/surety bonds to the satisfaction of Arresting Officer, subject to the conditions as envisaged under Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita, 2023. They were directed to appear before Investigating Officer and join investigation.

9. Pursuant to orders of this Court, petitioners have joined investigation.

6. Considering the entire facts and circumstances of the case, as enumerated above, but without commenting on merits, orders dated 24.06.2025, granting interim anticipatory bail to the petitioners are made absolute, subject to conditions laid down in Section 482(2) Bhartiya Nagarik Suraksha Sanhita, 2023.

7. All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)
JUDGE

16th September, 2025
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Whether speaking/reasoned : **Yes/No**
Whether reportable : **Yes/No**