

**CRM-M-24890-2025(O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****210(2)****CRM-M-24890-2025(O&M)****Date of Decision: 10.09.2025**

Satwant Singh

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Ms. Shubham Mehta, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Ankur Bansal, Advocate for the complainant.

KIRTI SINGH, J. (Oral)

1. Prayer in the present petition filed under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner, in case FIR No. 94 dated 13.11.2024, under Sections 137(2) and 87 of BNS, 2023 and later on added Sections 64, 61(2) of BNS, 2023 and Section 4 of POCSO Act, registered at Police Station Maqsudan, District Jalandhar Rural.

2. This Court on 19.05.2025 while issuing notice of motion has stayed the arrest of the petitioner and thereafter vide order dated 27.08.2025, directed the petitioner to join investigation and passed the following order:-

“Prayer in the present petition filed under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner, in case FIR No. 94 dated 13.11.2024, under Sections 137(2) and 87 of BNS, 2023 and later on added Sections 64, 61(2) of BNS, 2023 and Section 4 of POCSO Act, registered at Police Station Maqsudan, District Jalandhar Rural.

Mr. Ankur Bansal, Advocate puts in appearance on behalf of respondent No. 2 and files his power of attorney, which is taken on record.



Learned counsel for the petitioner submitted that the petitioner has been falsely implicated in the present case, being the father of the main accused against whom allegations of enticing away the minor daughter of the complainant have been levelled. He further submits that there are no direct allegations against the present petitioner, and even his wife was also roped in the present FIR, who vide CRM-M-23347-2025 filed a separate petition for grant of anticipatory bail, in which interim protection has also been granted to her as well. In fact, the son of the petitioner and the prosecutrix had even preferred a petition before this Court bearing CRWP-12671-2024 seeking protection of their life and liberty, which was decided vide order dated 1.1.2025. It is further submitted that there is a delay of 05 days in lodging the present FIR. Learned counsel also submits that the matter was also got compromised between the parties and a compromise deed to that effect was drawn on 08.2.2025. However, later on the prosecutrix resiled from the said compromise and it was thereafter that the names of the petitioner and his wife were added in the present FIR vide DDR No. 17 dated 17.4.2025.

Per contra learned State counsel as well as the learned counsel for respondent No. 2 oppose the present petition. They submit that since serious allegations have been levelled against the petitioner, therefore, he is not entitled to the concession of anticipatory bail.

Status report by way of affidavit of Deputy Superintendent of Police, Sub Division Kartarpur, Jalandhar (Rural), has been filed by the State, which is taken on record.

One of the main pillars of jurisprudence on which the criminal justice system is based, is the presumption of innocence until proven guilty. If seen in that context, the provision of anticipatory bail, in its essence, can be understood as a safeguard to prevent the curtailment of liberty of an individual, a cherished constitutional guarantee, in circumstances where arrest may be unwarranted, arbitrary, or mala fide. This discretionary power, trite to say, must be exercised judiciously, based on considerations, which include but are not limited to, the nature and gravity of the allegations, the antecedents of the accused, the possibility of the fleeing from justice, and the likelihood of the evidence being tampered with and witnesses being influenced.

Reverting to the case in hand, the petitioner is the father of the main accused, who is alleged to have enticed away the minor daughter of the complainant. The petitioner was nominated as an accused on 17.4.2025 subsequent to the registration of the FIR on 13.11.2024. All the



contentions made qua the involvement of the petitioner are disputed questions of facts, veracity of which shall be determined during the course of trial.

In view of the above, the petitioner is directed to join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 482(2) BNSS, 2023;-

(1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the case so as to dissuade him from disclosing such facts to Court or to any police officer.

(3) That the petitioner shall not leave India without prior permission of the Court.

Needless to mention that the investigating agency/officer shall continue with the investigation of the case in usual manner.

Adjourned to 10.9.2025.

It is made clear that nothing contained hereinabove shall have any bearings on the merits of the case, lest it may prejudice the trial.”

3. Learned State counsel on instructions from Investigating Officer(s), submits that in compliance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Orders dated 01.05.2025/27.08.2025 passed by this Court, are hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned ibid and will not operate in respect of any other incident that involves commission of an offence.

6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.



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7. The accused/petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.

8. The accused/petitioner shall not leave India without prior permission of the Court.

9. The accused/petitioner shall join the investigation as and when called by the police.

10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS (erstwhile Section 439(2) of the Code of Criminal Procedure, 1973) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

10.09.2025
Kapil

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No