



207

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

**CRM-M-29356-2025
Date of decision: 02.07.2025**

AMRIT SARMAL ALIAS GOPI

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Amandeep Singh Manaise, Advocate for the petitioner.

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

Mr. Abhishek Thakur, 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.58 dated 29.04.2025, under Sections 74, 78(2), 331(4), 115(2), 126(2), 351(3) of BNS, 2023 and Section 8 of POCSO Act registered at Police Station Sujampur, District Pathankot, Punjab.

2. Learned counsel for the petitioner submitted that the allegations against the petitioner were that he entered the house of the complainant, who is a girl of the age of 17 years and was sleeping in the same room with her parents and tried to outrage her modesty by touching her private parts and assaulting her and when the complainant pushed the petitioner, her parents woke up and in this way, the present FIR was lodged against the petitioner.



3. Learned counsel for the petitioner further submitted that in fact the entire story is concocted by the police in connivance with the parents and relatives of the complainant. He further submitted that both the petitioner and complainant are neighbours and there is a political rivalry going on between them for a long period of time. He further submitted that in the present case, one of the co-accused, who is the uncle of the petitioner and Ex-Sarpanch of the Village has already been granted the concession of anticipatory bail. He further submitted that litigation is pending between the Ex-Sarpanch and the sitting Sarpanch and the family of the complainant-girl supports the party of the sitting Sarpanch. He further submitted that although there was a political rivalry between the parties but the petitioner and the complainant were having a love affair and had even exchanged letters and the said relationship was not acceptable to the families and that was the reason as to why the present FIR was lodged.

4. Learned counsel for the petitioner also submitted that the only allegation against the petitioner was with regard to attempt to commit sexual assault and so far as the injuries are concerned, even as per the status report filed on behalf of the State of Punjab, the same have been stated to be simple in nature. He further submitted that the petitioner is ready and willing to join the investigation as and when called upon by the Investigating Officer and will also fully cooperate with the investigation process and will also hand over the aforesaid letters which are in his possession to the Investigating Officer at the time of investigation to unfold the real story with regard to the relationship between the petitioner and complainant. He also submitted that since the



petitioner has been falsely implicated in the present case, he may be considered for the grant of anticipatory bail.

5. On the other hand, Mr. Gaurav Gurcharan Singh Rai, Senior DAG, Punjab has filed status report by way of an affidavit of Deputy Superintendent of Police (Dhar Kalan), District Pathankot on behalf of the State of Punjab and the same is taken on record. While referring to the aforesaid status report he submitted that although the petitioner is not having any criminal background and is not involved in any other case but the allegations against him were with regard to attempt to commit sexual assault by entering the house of the complainant and therefore, the present petition is liable to be dismissed.

6. Mr. Abhishek Thakur, Advocate has put in appearance on behalf of the complainant and has filed his power of attorney in the Court today and the same is taken on record. He submitted that there are direct allegations against the petitioner with regard to attempt to commit sexual assault by entering the house of the complainant and now the petitioner has cooked up a story with regard to political rivalry or any relationship between him and the complainant. He also submitted that considering the seriousness of the offence, the petitioner does not deserve the concession of anticipatory bail.

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

8. The present FIR which has been annexed by the petitioner along with the present petition as Annexure P-1 is reproduced as under:-

“Statement of Bhawna daughter of Satpal resident of Village Basroop, Police Station Sujampur, District Pathankot, aged about 17 years, mobile No. 7589080163. Stated that I am a resident of the above said address and is



studying in Class +2 in the Senior Secondary School of Village Basroop. On 26/27.04.2025, I along with my mother Jyoti Bala, my father Satpal and other family members was sleeping in a room at my house. The main gate of our house was locked, then at about 1:30 AM of night, Amrit Sarmal alias Gopi, son of Pritam Chand, resident of Village Basroop, illegally entered our house and came into the room where we were sleeping. He covered my mouth and laid with me. I woke up and then he started touching my private parts and trying to sexually assault me. To save myself, I resisted and pushed Gopi. He held me tightly from neck and gave me fist blow on the right shoulder. I screamed loudly, upon which my family members woke up who came there. My father tried to catch Gopi, but Gopi pushed my father aside, ran towards the rooftop and escaped to his house. We discovered that gate of the house of Amrit Sarmal was already open and his uncle Somraj was standing outside of his gate. I, along with my father and my brother Lakhwinder alias Lucky, followed him. When we reached outside Gopi's house, we saw his uncle Samraj standing at the gate. My father asked Samraj where is Gopi and saying he had just come from our house. Samraj blocked our way and claimed Gopi was already at home. He then began verbally abusing and threatening my father and started a physical scuffle. We raised an alarm, and nearby residents gathered at the spot. Seeing the crowd, Somraj fled into his room. Amrit Sarmal alias Gopi had previously been stalking and harassing me while I was on my way to school. By committing this act, he has caused me grave mental and physical distress. Medical legal reports bearing MLR No. 423/ AB/27-04-25/CH/PTK and MLR No. 424/AB/27-04-25/CH/PTK have been submitted. I request that strict legal action be taken against



the accused in accordance with the law. Sd/- Bhavna (signed in English), Sd/- Satpal (Signed By thumb print), Verified by: Rupinderjit Kaur, Inspector of Police, PS Sujanpur, Dated. 29.04.2025.”

9. It is the case of the learned counsel for the petitioner that the real reason behind lodging of the FIR against the petitioner was with regard to the fact that there was a political rivalry between the families and they are also neighbours and apart from the above, there was a love relationship between the petitioner and complainant which was not acceptable to the families and that was the reason as to why the present FIR was lodged through the complainant-girl, although she was of the age of 17 years. However, it was the case of the learned counsel for respondent No.2-complainant that the aforesaid is not the correct position. Learned counsel for the petitioner has also stated that during the course of investigation, the petitioner would also supply to the Investigating Officer the letters which have been exchanged between the petitioner and complainant and has also undertaken before this Court on behalf of the petitioner that the petitioner will not only join the investigation but will also fully cooperate with the investigation process.

10. Considering the aforesaid facts and circumstances and the allegations against the petitioner with regard to attempt to commit sexual assault on respondent No.2-complainant, this Court is of the view that the present petition deserves to succeed.

11. Consequently, the present petition is allowed. It is directed that in case in future the petitioner 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 petitioner shall be released on bail by the Arresting/Investigating Officer on his furnishing bail bonds/sureties to his satisfaction, subject to the conditions as provided under Section 482(2) of BNSS, 2023.

02.07.2025
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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