

**CRM-M-48488-2025(O&M)****1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CRM-M-48488-2025(O&M)**Date of Decision: 16.09.2025****PARAMJIT KAUR AND ANOTHER**

...Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Prateek Pandit, Advocate for the petitioners.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest, the petitioner has filed this petition under Section 482 of BNSS for grant of anticipatory bail in case bearing FIR No. 148 dated 19.07.2025, under Sections 65(1), 127(2), 351(2), 61(2)(a) of BNS, 2023 and Sections 6 and 17 of POCSO Act, registered at Police Station Mehatpur, District Jalandhar (Rural).
2. This Court on 01.09.2025 while issuing notice of motion, directed the petitioners to join investigation and passed the following order:-

“Prayer in the present petition filed under Section 482 of BNSS, is for grant of anticipatory bail to the petitioners, in case FIR No. 148 dated 19.7.2025, under Sections 65(1), 127(2), 351(2), 61(2)(a) of BNS, 2023 and Sections 6 and 17 of POCSO Act, registered at Police Station Mehatpur, District Jalandhar (Rural).

Learned counsel for the petitioner inter alia submits that the petitioners have been falsely implicated in the present case, being the parents of the main accused against whom allegations of abducting the minor daughter of the complainant and committing rape upon her, have been levelled. He further submits that the son of the petitioner and the prosecutrix were in a consensual relationship. He has placed reliance on the photocopies of conversation took place between accused Harnek Singh



and the prosecutrix via calls, whatsapp chats and Facebook messages as Annexure P-2. It is further submitted that the relationship between the prosecutrix and the son of the petitioners was earlier not known to either party. He further submits that the alleged incident took place on 07.7.2025, however, the present FIR was lodged after a delay of 12 days.

Notice of motion.

Ms. Guramrit Kaur, DAG, Punjab waives service of notice on behalf of the respondent-State and opposes the present petition. Learned State counsel, on instructions from ASI Amrik Lal, submits that the victim in her statement recorded under Section 183 BNSS, has stated that she had left her home at her own will.

Heard.

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 petitioners are the parents of the main accused, who is alleged to have abducted and raped the minor daughter of the complainant. The prosecutrix in her statement recorded under Section 183 BNSS has stated that she at her volition, left her home. All the contentions made qua the involvement of the petitioners 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 16.9.2025. ”

3. Learned State counsel on instructions from ASI Amrik Lal- Investigating Officer(s), submits that in compliance of the aforesaid order, the petitioners have joined the investigation and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 01.09.2025 passed by this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioners 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 petitioners.

7. The accused/petitioners 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/petitioners shall not leave India without prior permission of the Court.

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



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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.

16.09.2025

Kavita

**(KIRTI SINGH)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No