



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

(204)

CRM-M-11702 of 2025

Date of Decision: 08.10.2025

Gurakshdeep Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Vikram Jeet Singh, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

None for respondent No. 2.

KIRTI SINGH, J. (ORAL)

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

2. Vide order dated 17.9.2025, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

“x x x x

2. *Learned counsel for the petitioner submits that the petitioner, a young boy of over 18 years has been falsely implicated in the instant FIR, lodged on the statement of the mother of the prosecutrix. There is inordinate delay of 05 days in lodging the FIR, in which the petitioner was not even named as an accused. It is submitted that in fact, the prosecutrix left her house on her own will and joined the company of the petitioner, whereafter the parties*



even sought protection from this Court by preferring a petition bearing CRWP-12671-2024, which was decided vide order dated 01.01.2025 (Annexure P-3). Moreover, the prosecutrix in the writ of habeas corpus moved by the parents of the prosecutrix, had initially refused to accompany them. The co-accused has been granted concession of interim bail vide order dated 10.09.2025 passed by this Court in CRM-M-24890-2025. The petitioner has clean antecedents. He is ready to join investigation and co-operate.

3. Per contra learned State counsel as well as the learned counsel for the complainant 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.

4. 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.

5. Reverting to the case in hand, pertinently, there is a substantial delay in the registration of the instant FIR. Further, the observation that the possibility of a 'friendly hand' cannot be ruled out, is another relevant consideration before this Court. All the contentions made herein are disputed questions of facts, which shall be determined during the course of trial.

6. 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.

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

8. *Adjourned to 08.10.2025.*

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

10. *Interim order to continue.”*

3. Learned State counsel on instructions from ASI Rajinder Singh, submits that in compliance of order dated 17.9.2025, the petitioner has joined the investigation on 22.9.2025 and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 17.9.2025 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 petitioner(s) 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(s).

7. The accused-petitioner(s) 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(s) shall not leave India without prior permission of the Court.



9. The accused-petitioner(s) 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, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), 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.

11. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

October 08, 2025
Gurpreet Singh

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