



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

**CRM-M No.22619 of 2026
Date of decision: 15.07.2026**

Surjit Singh @ Kaka

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Samay Singh Sandhawalia, Advocate
for the petitioner.

Mr. Hardeep Hans, AAG, Punjab
for respondent No.1-State.

None for respondent No.2.

MANDEEP PANNU, J. (Oral)

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (corresponding to Section 438 Cr.P.C.) seeking grant of anticipatory bail to the petitioner in case FIR No.102 dated 11.04.2026, registered under Sections 333, 64, 75 and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (Section 118(1) BNS added subsequently), at Police Station Sadar Faridkot, District Faridkot.

2. Brief facts of the case are that the prosecutrix, who is married and has a minor child, alleged that the petitioner, being the son of her husband's paternal uncle (Taya), had been visiting her house for the last about two years and initially, used to molest her on different pretexts. It is alleged that thereafter, the petitioner compelled her to join a religious



congregation (Sangat) organised by him and, taking advantage of occasions when she was alone at home, repeatedly established forcible physical relations with her and also clicked objectionable photographs. It has further been alleged that on 09.04.2026 and again on 10.04.2026, the petitioner came to her house and forcibly committed sexual intercourse with her. Thereafter, the prosecutrix disclosed the incidents to her husband, who got her admitted to Guru Gobind Singh Medical Hospital, Faridkot, following which the present FIR came to be registered. During investigation, the prosecutrix was medically examined, her statement under Section 183 BNSS was recorded before learned Magistrate, and Section 118(1) of the Bharatiya Nyaya Sanhita was added on the basis of the medico-legal report.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case due to political rivalry and family disputes. It is submitted that the prosecutrix and the petitioner belong to the same joint family and reside in the same household, where several other family members also reside, making the allegations inherently improbable. It is further argued that the prosecutrix was in a consensual relationship with the petitioner despite being married and used to voluntarily call him whenever she was alone at home. In support of the said plea, reliance is placed upon certain photographs annexed with the petition to demonstrate their alleged love affair. Learned counsel further submits that the FIR is the result of political vendetta, as the petitioner is stated to be a supporter of the Congress Party whereas the complainant's family supports the Aam Aadmi Party. It is contended that during the Zila Parishad elections, the petitioner refused to join the political faction supported by the



complainant's family and, owing to the ensuing political hostility, the present false case has been registered against him. It is also argued that although the prosecution alleges that the incidents commenced nearly two years prior to the registration of the FIR, the prosecutrix never disclosed the alleged acts either to her husband, family members or the police during the intervening period, thereby rendering the prosecution version doubtful. It is further submitted that the FIR came to be lodged only after the complainant's husband allegedly came to know about the extra-marital relationship between the prosecutrix and the petitioner and compelled her to lodge the present false case. Learned counsel also contends that the offence under Section 333 of the Bharatiya Nyaya Sanhita (earlier Section 452 IPC) is not attracted as the petitioner also resides in the same joint family house. It is lastly submitted that the petitioner has joined/undertakes to join the investigation, shall abide by all conditions imposed by the Court, and deserves the concession of anticipatory bail.

4. Per contra, learned State counsel opposes the petition and submits that the allegations against the petitioner are grave and serious in nature. It is submitted that the prosecutrix, in her statement forming the basis of the FIR, has specifically alleged that the petitioner, who is the cousin of her husband, had been visiting her house for the last about two years, initially molesting her and thereafter, repeatedly committing forcible sexual intercourse with her after threatening and blackmailing her with objectionable photographs. It is further submitted that the prosecutrix has consistently supported the prosecution version in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita before



learned Magistrate, wherein she reiterated the allegations levelled in the FIR. Learned State counsel also submits that the prosecutrix was medically examined at Guru Gobind Singh Medical College, Faridkot, where three incised injuries were noticed on her person. The medico-legal report has been placed on record and, on the basis of the nature of injuries, Section 118(1) of the Bharatiya Nyaya Sanhita has also been added during investigation. It is further submitted that biological samples have been collected for DNA examination. It is argued that the plea regarding delay in lodging the FIR is misconceived, as according to the prosecution the first incident of rape occurred in September, 2025, and the prosecutrix has explained that she remained silent due to fear, shame, threats extended by the petitioner, and concern for her family. It is further contended that custodial interrogation of the petitioner is essential for a fair and effective investigation, as his medical examination is yet to be conducted and the objectionable photographs allegedly clicked by him are yet to be recovered. It is submitted that the petitioner remained absconding to evade arrest and that grant of anticipatory bail, at this stage, would prejudice the investigation.

5. Heard learned counsel for the parties and perused the record.

6. The allegations levelled against the petitioner are grave and serious in nature. As per the prosecution, the prosecutrix has specifically alleged that the petitioner, who is closely related to her being the cousin of her husband, repeatedly subjected her to forcible sexual intercourse over a considerable period by exploiting the trust reposed in him and by threatening and blackmailing her with objectionable photographs. The



prosecutrix has consistently reiterated these allegations not only in the FIR but also in her statement recorded under Section 183 of the Bharatiya Nagarik Suraksha Sanhita before learned Magistrate. At this stage, there is no material to suggest any substantial contradiction so as to discard the prosecution version at the threshold. The contentions raised on behalf of the petitioner regarding political rivalry, false implication, alleged consensual relationship, delay in lodging of the FIR and the photographs relied upon by him are all matters, which require appreciation of evidence during the course of trial. Similarly, the plea that the parties belong to the same joint family or that the allegations are improbable on account of their relationship cannot, at this preliminary stage, be accepted so as to disbelieve the prosecutrix. It is well settled that while considering a petition for anticipatory bail, this Court is not expected to conduct a mini trial or record findings on the truthfulness of the rival versions.

7. The investigation is admittedly at a crucial stage. The State has specifically submitted that the medical examination of the petitioner is yet to be conducted, biological samples have been collected for DNA examination, and the objectionable photographs allegedly used for blackmail are yet to be recovered. The investigating agency has thus demonstrated the necessity of custodial interrogation for carrying the investigation to its logical conclusion.

8. Accordingly, finding no merit in the present petition, the same is dismissed.

9. Needless to observe, any observation made herein is only for the purpose of deciding the present petition and shall not be construed as an



expression on the merits of the case during trial.

10. All pending applications, if any, also stand disposed of.

15.07.2026
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(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No