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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-44938-2024  
Date of decision: 16.10.2024

GULSHAN ALIAS GULCHAMAN

...PETITIONER

V/S

STATE OF PUNJAB

...RESPONDENT

CORAM: HON’BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Amarjit Kaur Khurana, Advocate  
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

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HARPREET SINGH BRAR, J. (ORAL)

1. The instant petition is preferred under Section 482 of Bharatiya  
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.51 dated  
06.06.2024 under Sections 363 & 366 of the Indian Penal Code, 1860 (for short  
‘IPC’) [Sections 376, 195, 506, 120-B of IPC, Sections 4 & 6 of The Protection  
of Children from Sexual Offences Act, 2012 (for short ‘POCSO Act’) and  
Sections 9, 10, 11 of Prohibition of Child Marriage Act were added later on],  
registered at Police Station Division No.4, Police Commissionerate, Jalandhar.

2. On 10.09.2024, following order was passed:

*“The instant petition is preferred under Section 482  
of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking  
anticipatory bail in FIR No.51 dated 06.06.2024 under  
Sections 363 & 366 of the Indian Penal Code, 1860 (for  
short ‘IPC’) [ Sections 376, 195, 506, 120-B of IPC,  
Sections 4 & 6 of The Protection of Children from Sexual  
Offences Act, 2012 (for short ‘POCSO Act’) and Sections 9,  
10, 11 of Prohibition of Child Marriage Act were added  
later on ], registered at Police Station Division No.4, Police  
Commissionerate, Jalandhar.*



*Learned counsel for the petitioner, inter alia, contends that earlier, the complainant lodged one FIR No.296 dated 15.09.2023 under Sections 376 & 120-B of IPC and Section 4 of POCSO Act, at Police Station Division B, District Police Commissionerate Amritsar against Bobby, Sagar, Jassi Nahar @ Laxmi, Mannat Kaur and the present petitioner. Thereafter, with regard to marriage of her minor daughter with Bobby son of Tarsem Singh, FIR (supra) has been registered. The allegations are somewhat similar in both the FIRs and there is no allegation against the petitioner with regard to sexual assault on the daughter of the complainant. The only allegations against the petitioner is that he facilitated the main accused Bobby in enticing away daughter of the complainant. The petitioner made several representations against his false implication and in aforementioned FIR No.296 registered on the basis of earlier complaint made by the complainant, he was granted anticipatory bail by the Coordinate Bench of this Court in CRM-M-30463-2024. The petitioner only came to know about his false implication in other cases, when he applied for anticipatory bail and the Investigating Officer filed a status report before learned Additional Sessions Judge and wrong address of the petitioner has been mentioned in the complaint(s). The petitioner is on bail in all those cases.*

*Notice of motion for 16.10.2024.*

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer*



*and the petitioner shall co-operate in the investigation.*

*If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.*

*Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.”*

3. Learned State counsel, on instructions from SI Surjeet Singh, submits that in compliance of order dated 10.09.2024 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel, the order dated 10.09.2024, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482 (2) BNSS.
5. The petition is accordingly disposed of.
6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

October 16, 2024  
manisha

(HARPREET SINGH BRAR)  
JUDGE

|      |                           |        |
|------|---------------------------|--------|
| (i)  | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable        | Yes/No |