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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46798-2024

Date of decision: 23.10.2024

Lakhwinder Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. K.S. Bhardwaj, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR
No.079 dated 22.07.2024 (Annexure P-1) under Section 64 of BNS registered
at Police Station Zira, District Ferozepur.

On 19.09.2024, the following order was passed:-

*'The instant petition is preferred under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail
in FIR No.79 dated 22.07.2024 under Section 64 of Bharatiya Nyaya
Sanhita, 2023, registered at Police Station Zira, District Ferozepur.*

*Learned counsel for the petitioner, inter alia, contends that the
petitioner and the complainant-prosecutrix were in consensual
relationship and both of them went to Dharamshala in a public
transport and there, they stayed in a hotel. The complainant-
prosecutrix never raised any alarm or shown any resistance, when she
was forcibly subjected to sexual assault against her consent and their
consensual relationship is clearly discernible from the photographs
(Annexure P-2) taken during the trip to Dharamshala. The petitioner
has been falsely implicated in the FIR (supra), which has been
registered under the pressure of parents of the complainant-
prosecutrix.*

Notice of motion for 23.10.2024.

*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.***



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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.'

Learned State counsel on instructions from ASI Shamsheer Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 19.09.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

23.10.2024
Neha

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