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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-49323-2024 (O&M)
Date of decision: 04.11.2024

Princepal Singh

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. A.S. Manaise, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail
in FIR No.13 dated 13.03.2024 under Sections 363 & 366 of the Indian Penal
Code, 1860 (for short 'IPC') (Sections 376 & 120-B of IPC and Sections 4, 6
& 17 of the Protection of Children from Sexual Offences Act, 2012 added
later on), registered at Police Station Sekhwan, Police District Batala, District
Gurdaspur.

2. On 01.10.2024, the following order was passed:-

“The instant petition is preferred under Section 482 of

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Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in FIR No.13 dated 13.03.2024 under Sections 363 & 366 of the Indian Penal Code, 1860 (for short 'IPC') (Sections 376 & 120-B of IPC and Sections 4, 6 & 17 of the Protection of Children from Sexual Offences Act, 2012 added later on), registered at Police Station Sekhwan, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner, inter alia, contends that the petitioner is not named in the FIR (supra) and there is no allegation against him with regard to any sexual assault. The petitioner is brother-in-law of the main accused, who enticed away the victim and raped her. The only allegation against the petitioner is that he accompanied the couple to the Court, when they went there for the purpose of seeking protection as runaway couple.

Notice of motion for 04.11.2024.

*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.*

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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 ASI Rajbir Singh, at the very outset, informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 01.10.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482(2) of BNSS [*erstwhile Section 438(2) of Cr.P.C.*].
5. The petition stands disposed of.

04.11.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No