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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-52034-2024 (O&M)
Date of decision: 04.11.2024

Villiam and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

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

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') and 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 21.10.2024, the following order was passed:-

“Instant petition is preferred under Section 482 of Bharatiya

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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') and 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.

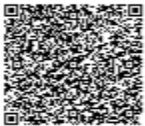
Learned counsel for the petitioners, inter alia, contends that the petitioners were not named in the FIR (supra) and there is no allegation against them with regard to subjecting the prosecutrix to sexual assault. The petitioners have been falsely implicated in the present case only for the reason that they are brother and cousin of main accused. Similarly situated co-accused namely Princepal Singh has already been granted the concession of ad interim anticipatory bail by this Court vide order dated 01.10.2024 passed in CRM-M-49323-2024.

Notice of motion for 04.11.2024.

*To be heard along with **CRM-M-49323-2024**.*

*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 petitioners are 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 petitioners will be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting*

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Officer and the petitioners will co-operate in the investigation. The petitioners will cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS/Section 438(2) of Cr.P.C.

If the Arresting Officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioners 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 learned 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 petitioners have joined the investigation and their custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 21.10.2024 is hereby made absolute. The petitioners will 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.

[HARPREET SINGH BRAR]
JUDGE

04.11.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No