

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-M No.56261 OF 2024
Date of decision: 09.12.2024

DHARAMPREET SINGH Petitioner
Versus
STATE OF PUNJAB Respondent

CORAM: HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Hitesh Chopra, Advocate for the petitioner
(*Through Video Conference*).

Ms. Ruchika Sabherwal, Sr. D.A.G., Punjab.

MANISHA BATRA, J. (oral)

1. Prayer in this petition, filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’), is for grant of anticipatory
bail to the petitioner in case FIR No.16 dated 07.02.2024 registered under Sections
363, 354, 511, 34, 354-A, 354-D, 506 IPC and Section 12 of Protection of Children
from Sexual Offences Act, 2012 at Police Station Sadar Gurdaspur, District
Gurdaspur.
2. Vide order dated 12.11.2024, passed by this Court, the petitioner
was granted interim bail and was directed to join investigation. Order dated
12.11.2024, passed by this Court, reads as under:

*“Present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory
bail to the petitioner in case arising out of FIR No.16 dated
07.02.2024 registered under Sections 363, 354, 511, 34, 354-A,
354-D, 506 IPC and Section 12 of Protection of Children from*



*Sexual Offences Act, 2012 at Police Station Sadar Gurdaspur,
District Gurdaspur.*

As per prosecution case, the aforementioned FIR was registered on the basis of statement recorded by the complainant- 'H' (name withheld) alleging therein that the petitioner along with his companions had been harassing the victim 'G' (name withheld) who is 12-13 years' old daughter of the complainant and is studying in 9th class in a local school. He had been making attempts to kidnap her. The daughter of the complainant disclosed him the entire incident on being harassed by the petitioner. On 07.12.2023, the petitioner along with four other unidentified persons entered inside his house and made attempt to kidnap his daughter forcibly by asserting that he wanted to marry her and told that if marriage is not solemnized with her then he would commit suicide and implicate her entire family members into this. The complainant while submitting that one of the accomplices was identified by him as Khushpreet Singh and prayed for taking action against him.

After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the petitioner moved two applications for grant of pre-arrest bail and the second application had been dismissed by learned Additional Sessions Judge, Fast Track Special Court, Gurdaspur on 25.10.2024.



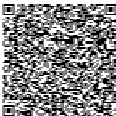
It is inter alia argued by learned counsel for the petitioner that he has been falsely implicated in this case. In fact, the father of the present complainant had lodged a complaint against him on 08.12.2023 levelling totally different allegations with regard to the incident which allegedly took place on 07.12.2023. The inquiry was conducted in that application and the application were found false. The FIR of this case was lodged after a period of two months from the date of alleged attempt made by the petitioner to kidnap the daughter of the complainant. He is ready to join the investigation. His custodial interrogation is not required. In fact, the petitioner is having friendship with the daughter of the complainant. No recovery is to be effected.

Notice of motion.

Learned State counsel who has advance notice of the petition seeks time to file status report. It has also been submitted by her that in her statement recorded under Section 164 of Cr.P.C., allegations qua making attempt to outrage her modesty at the hands of the petitioner and the co-accused have been made.

Adjourned to 09.12.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing



personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 482 (2) of Bharatiya Nagarik Suraksha Sanhita (for short BNSS), 2023.”

3. Learned State counsel, on instructions from the Investigating Officer, has submitted that the petitioner has joined investigation on 18.11.2024 and he is not required for custodial interrogation.
4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 12.11.2024, granting interim bail to the petitioner, is made absolute, subject to compliance of usual terms and conditions requisite for grant of anticipatory bail.

09.12.2024
Jyoti-IV

(MANISHA BATRA)
JUDGE

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