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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-49-2025 (O&M)
Decided on : 30.01.2025

RANVIR SINGH @ RANA

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Sarvesh Kumar Gupta, Advocate
for the petitioner.

Ms. Aakansha Gupta, AAG Punjab.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest in FIR No.0126 dated 06.10.2024, under Sections 65(1) and 46 of BNS and Section 4 of POCSO Act (Section 470 BNS and Section 6 of POCSO Act added later on), registered at Police Station Sultanwind, District Amritsar, the petitioner has preferred this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail.

2. The translated version of the FIR is reproduced below:-

“FIR No.0126 dated 06.10.2024 registered under sections 65(1), 46 of The Bharatiya Nyaya Sanhita (BNSS), 2023 and section 4 of Protection of Children from Sexual Offences Act (Amended), 2012,2019 at Police Station Sultanwind, District Police Commissionerate Amritsar. Statement of Harwinder Kumar son of Harish Kumar resident of House no.292A, Street No.04, Peera Wala Bazar Kot Mit Singh, Taran Taran Road, Amritsar aged about 44 years Mobile no. 9988486770. Stated that I am resident of above said address and I am doing private job. I have three children, elder daughter Geetika aged about 15 years, younger to her is



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daughter namely Anchal aged about 13 years and younger to her is son Tejis aged about 07 years. That my daughter Geetika, who had stopped studying after class gth and now used to remain in the house. She was very silent since some days. I and my wife asked her that what is the matter, why are you so silent then she today, in fear informed us that about 1 ½ months ago our neighbourer Charanjit Singh son of Ajaib Singh resident of House no.290, street no.04, New Kot Singh Tarn Taran Road Amritsar took me to the house of Ranvir Singh at Kot Mit Singh, there his friend Ranvir Singh alias Rana and Bablu resident of Lakha Singh's plot were also present. My neighbourer Charanjit Singh forcibly developed physical relationship with me there and scared and threatened that if you will tell anyone then I will kill you. That Charanjit Singh, by doing wrong act/rape with my daughter, has spoiled her life. Today I alongwith my wife and my daughter Geetiak have come to you. Due legal action may please be taken against Charanjit Singh son of Ajaib Singh resident of House no.290, street no.04, New Kot Mit Singh Taran Taran Road, Amritsar, Ranvir Singh Kot mit Singh, Bablu resident of Lakha Singh' Plot Sultanwind and justice may be got provided to me. Deponent Sd/- Harvinder Kumar Attested Sd/- Tejinder Kaur INSP Police Station Sultanwind Amritsar City Date 06.10.2024"

3. Learned counsel for the petitioner inter alia submits that petitioner has been falsely implicated in this case. The FIR has been registered after a delay of 1 ½ months. The co-accused-Charanjit Singh is the main accused who developed forceful physical relations with the victim and no role is attributed to the petitioner.

4. *Per contra*, learned State counsel has opposed the submissions made by counsel for the petitioner. He, while relying on status report dated 27.01.2025, submits that the during the investigation, co-accused Charanjit Singh was arrested and he admitted to having an illicit relationship with the victim and committing rape at the residence of the present petitioner-Ranvir Singh. The victim's medical examination was conducted on 08.10.2024. The medical report stated that the "possibility of sexual intercourse cannot be ruled out." The victim's statements



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recorded under Sections 183 BNSS corroborates the allegations levelled in the FIR. Her date of birth, verified through school records, confirms her status as a minor, leading to the addition of offences under Section 70 BNS and Section 6 of the POCSO Act on 03.12.2024. The final investigation report was presented on 04.12.2024 and the case is pending adjudication, with the next hearing on 18.01.2025. The petitioner played a pivotal role by facilitating the commission of the offense at his residence. Given the gravity of the allegations and the available evidence, he is not entitled to the concession of anticipatory bail.

5. Heard the rival submissions made by learned counsel for the parties and perused the record.

6. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, Hon'ble Supreme Court held as under:

*“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr.* 2010 (1) SCC 679).*

*Further, it was clearly observed in para No.24 of the judgment (supra) that “**though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule.** It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the*



Court depending on the facts and circumstances of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”

7. In ***Sushila Aggarwal v. State (NCT of Delhi) (2018) 7 SCC 731***, the Constitution Bench reaffirmed that when considering applications for anticipatory bail, courts should consider factors such as the nature and gravity of the offences, the role attributed to the applicant, and the specific facts of the case.

8. In ***Siddharam Satlingappa Mhetra v. State of Maharashtra & Ors. reported in (2011) 1 SCC 694*** rendered in the context of the discretion to grant Anticipatory Bail under Section 438, Hon’ble Supreme Court advocated the need to balance individual personal liberty with societal interest and observed:-

“84. Just as liberty is precious to an individual, so is the society’s interest in maintenance of peace, law and order. Both are equally important.”

9. There are serious allegations of facilitating commission of rape against the petitioner. The victim, a minor, has given a consistent statement under



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Sections 193 and 183 BNSS, corroborating the FIR, that co-accused Charanjit Singh forcefully developed physical relations at the petitioner's residence where he was present with another accused at the time of commission of offences, thereby, establishing his active role in facilitating the offence. Accordingly, to unearth the true dimension of the alleged crime, this Court does not deem it appropriate to interfere in the matter so as to grant the concession of anticipatory bail to the petitioner at this stage.

- 10. The petition is dismissed.
- 11. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.
- 12. Pending application(s), if any, also stands disposed of accordingly.

(KIRTI SINGH)
JUDGE

30.01.2025
Kavita

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