

2025:PHHC:050502



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.209

CRM-M-458-2025 (O&M)

Date of decision : 21.04.2025

Ali Hussain

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Mohd. Salim, Advocate, for the petitioner.

Mr. R.S. Thind, DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. Prayer in the present petition filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023), is for grant of anticipatory bail to the petitioner, in case FIR No.44 dated 19.02.2024, under Sections 363, 366-A, 149, 365 & 120-B IPC (offence under Section 376-D & 354-D IPC and Sections 4 & 8 of POCSO Act added later on), registered at Police Station Dasuya, District Hoshiarpur.

2. Vide order dated 26.03.2025, the petitioner was directed to join investigation and the same is reproduced below:-

'Apprehending arrest the petitioner has filed this petition under Section 482 of BNSS for grant of anticipatory bail in case bearing FIR No.44 dated 19.02.2024 under Sections 363, 366-A, 149, 365, 120-B (Sections 376-D, 354-D IPC and Section 4 and 8 of POCSO Act added later on), registered at Police Station Dasuya, District Hoshiarpur.

Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implication on the statement of the complainant-brother alleging that the prosecutrix was kidnapped and thereafter raped by the two other co-accused. He submits that petitioner was 200 Kms away from place of occurrence on the date of the alleged incident, and the same

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can be corroborated from the CCTV footage of his house. It has also been submitted that earlier also in the year 2022, FIR No. 33 dated 26.05.2022 under Sections 366, 363, 120-B IPC at Police Station Tibber, District Gurdaspur on the similar set of allegations was registered by the brother of the victim in which the accused stands acquitted. Learned counsel submits that during the course of trial the victim turned hostile qua the co-accused.

Adjourned to 21.04.2025.

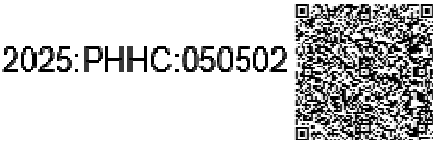
In the meantime, the petitioner shall join investigation before the Investigating Agency/Officer. In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C. :-

- i. That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- ii. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*
- iii) That the petitioner shall not leave India without prior permission of the Court.'*

3. Learned State counsel on instructions from ASI-Gurbachan Singh submits that in compliance of order dated 26.03.2025, the petitioner has joined the investigation and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 26.03.2025 passed by this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.



6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner(s).
7. The accused-petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.
8. The accused-petitioner(s) shall not leave India without prior permission of the Court.
9. The accused-petitioner(s) shall join the investigation as and when called by the police.
10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

21.04.2025
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No