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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

212

CRM-M-11235-2025 (O&M)
Date of decision: 18.03.2025

MAHIL SINGH ALIAS LEELA SINGH

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present : Mr. Arihant Goyal, Advocate for the petitioner.

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

KIRTI SINGH. J.(Oral)

1. This is the first petition filed under Section 482 of BNSS for grant of anticipatory bail to the petitioner in case FIR No.0001 dated 02.01.2025 under Sections 64, 115(2) and 3(5) of BNS, 2023 registered at Police Station Jaurkian, District Mansa.

2. The contents of the above-mentioned FIR are reproduced herein below:-

“Statement of Paramjit Kaur W/o Rajinder Singh, Resident of House No.B-14/2873, Kothe Rasulpur Barnala, aged about 41 years, Mobile No.90419-35118 stated that I am resident of the above said address. I and Neelam Rani W/o Jai Pal Goyal R/o Rampura Phul were working together in the Spinning Factory for the last 2 years, where Neelam Rani became my God sister. On 01.01.2025 I and Neelam Rani went Sulisar Gurughar for seeking blessing of the God where a phone call was made by Leela Singh, resident of Kusla on my phone



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who said that you come to my house, I shall drop you at home then I and Neelam Rani at around 7:15 PM came at Bus stop of Fatta Maloka, Leela Singh and Maddha Singh also came over there. After which Leela Singh took us to his home at village Kusla along with him. Leela Singh offered tea to us and Leela Singh and Maddha Singh started consuming liquor then Leela Singh started molesting me and harassed me. Leela Singh committed my rape forcibly. I resisted Leela Singh for not committing such an act but Leela Singh did not stop. Then I shouted loudly then my sister Neelam Rani rescued me from Leela Singh. Leela Singh and Maddha Singh gave beating to me and Neelam Rani then I and Neelam Rani ran out of the house after rescuing ourselves from them, then I and Neelam Rani bolted the gate then I and Neelam Rani went to the house of Sukha Singh, resident of Kusla where we spent the night. Due to the severe pain of injuries being suffered by me and Neelam Rani, I and Neelam Rani got admitted at Civil Hospital Sardulgarh where I and Neelam Rani are under treatment. The proper legal action may kindly be taken against Leela Singh and Maddha Singh, resident of Kusla. The statement has been got recorded to your goodself, the same has been read over, the same is correct.”

3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case along with other co-accused for allegedly being involved in the rape of the prosecutrix. While drawing the attention of this court to FIR annexed as Annexure P-1, learned counsel submits



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that his false implication in the case in hand finds credence from the fact that there has been a delay of one day in registration of the FIR in question. Learned counsel submits that it was only on account of party friction in the village that he has been implicated as admittedly the prosecutrix has failed to mention as to how she is known to the petitioner.

4. Status report dated 17.03.2025 has been filed on behalf of respondent-State in Court today. The same is taken on record. Copy thereof has been supplied to learned counsel for the petitioner.

5. Per contra learned state counsel on instructions has vehemently opposed the prayer and submissions made by the counsel opposite. Learned state counsel while drawing the attention of this court to status report dated 17.03.2025 has submitted that there are serious allegations against the petitioner of raping the prosecutrix as well as inflicting multiple injuries on her. Learned state counsel has further submitted that the ocular testimony of the prosecutrix finds corroborated by the medical evidence. Learned state counsel has placed reliance on the MLR of the prosecutrix as also the MLR of injured Neelam Rani, who was also allegedly beaten by the petitioner, in support of his contention and thus submits that in view of the serious allegations levelled against the petitioner he does not deserve the concession of anticipatory bail.

6. Heard.

7. 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



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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.”

8. 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.

9. Adverting to the case in hand, *prime facie* there are serious and specific allegations against the petitioner of raping the prosecutrix and further inflicting multiple injuries on her as well as on the injured Neelam Rani. Trite to say that power to grant anticipatory bail is a discretionary relief intended to protect



individuals from unwarranted detention and is not a blanket entitlement which can be given as a general rule. Such power must be exercised cautiously, especially in matters involving serious allegations, in which case the Court must not interfere in the investigation, which might warrant custodial interrogation of the accused.

10. Thus, as an upshot of the foregoing discussion keeping in view the gravity of the allegations against the accused, no ground is made out to extend the benefit of anticipatory bail to the accused-petitioner.

11. The petition is dismissed.

12. Needless to mention that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

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

18.03.2025
amandeep

(KIRTI SINGH)
JUDGE

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