



CRM-M-14993-2025

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-14993-2025

Date of Decision: 05.05.2025

Kamal alias Kamaljeet

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:-. Mr. P.K. Ganga, Advocate for the petitioner

Mr. Anmol Malik, DAG Haryana

Mr. Suresha Brar, Advocate for the complainant

KIRTI SINGH, J.(Oral)

Prayer in the present petition filed under Section 482 of BNSS is for grant of anticipatory bail in case bearing FIR No.11 dated 19.02.2025 registered under Sections 332(c), 351(2) and 75(2) of BNS (Sections 62, 64 and 76 of BNS added later on) at Police Station Women Sirsa, District Sirsa

2. This Court, while issuing notice of motion, passed the following order on 19.03.2025:-

“Apprehending arrest the petitioner has filed this petition under Section 482 of BNSS for grant of anticipatory bail in case bearing FIR No.11 dated 19.02.2025, under Sections 332(c), 351(2) and 75(2) of BNS (Sections 62, 64 and 76 of BNS added later on), registered at Police Station Women Sirsa, District Sirsa.

2. Learned counsel for the petitioner submits that allegedly the petitioner climbed the wall, entered the complainant's house, and molested her. He submits that the allegation of trespassing and molestation are false and not possible as the petitioner suffers from 70% permanent disability in his right lower limb. To substantiate this, he relies on the disability ID and certificate (Annexures P-2 and



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P-3). It would be physically impossible for the petitioner to scale a wall and enter the complainant's house, that too when family members were present at the house at the time of the alleged incident. Furthermore, he submits that the petitioner is 35 years old, married, a father of two minor children, and employed in government service. He is willing to join the investigation and cooperate.

3. Notice of motion.

4. Ms. Mahima Yaspal, DAG, Haryana, waives service of notice on behalf of the respondent-State and seeks time to file reply. Mr. Gurdarshan S. Sidhu, Advocate has put in appearance on behalf of the complainant and files his Vakalatnama in Court today, which is taken on record. He has opposed the prayer made in the petition and submits that in view of the serious allegations, the petitioner is not entitled to the discretionary relief of anticipatory bail.

5. List on 23.04.2025.

6. In the meantime, arrest of the petitioner shall remain stayed and he shall join investigation before the Investigating Agency/Officer and shall also abide by the following conditions as envisaged under Section 482(2) BNSS:-

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 Pooja submits that 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 19.03.2025 passed by this Court, is hereby made absolute.

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5. This order should not be treated as "blanket" order. It will not be read granting the petitioner 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.
7. The accused/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 or her from disclosing such facts to the Court or to any police officer.
8. The accused/petitioner shall not leave India without prior permission of the Court.
9. The accused/petitioner 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) BNSS (erstwhile Section 439(2) of the Code of Criminal Procedure, 1973) to arrest the accused, 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.
11. Pending application(s), if any, also stands disposed of accordingly.

05.05.2025

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Whether speaking/reasoned
Whether reportable

(KIRTI SINGH)
JUDGE

Yes/No
Yes/No