

2025:PHHC:086249



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

Sr. No.209

CRM-M-18422-2025 (O&M)
Date of decision : 16.07.2025

Shiv Kumar @ Shivam

..... Petitioner

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Harjinder Singh, Advocate, for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Paras Khindri, Advocate for respondent No.2.

KIRTI SINGH, J. (Oral)

1. Prayer in the present petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023) is for grant of anticipatory bail to the petitioner, in case FIR No.135 dated 12.08.2024, under Section 376 IPC and Section 4 of POCSO Act, registered at Police Station Bullowal, District Hoshiarpur.

2. Vide order dated 08.05.2025, the petitioner was directed to join investigation and the same is reproduced below:-

“At the very outset, learned counsel for the petitioner as well as counsel for respondent No.2 submits that the petitioner and respondent No.2 solemnized marriage on 13.03.2025 and are residing together peacefully.

Learned State counsel on instructions from ASI-Balvir Singh submits that the above fact has been verified.

Adjourned to 16.07.2025.

Interim order to continue.

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In the meantime, the petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 482(2) BNSS, 2023;-

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

Needless to mention that the investigating agency/officer shall continue with the investigation of the case in usual manner.”

3. Learned State counsel on instructions from ASI-Balbir Singh submits that in compliance of order dated 08.05.2025, 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 08.05.2025 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).

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- 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

16.07.2025
Ramandeep Singh

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