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

Sr. No.211

**CRM-M-18651-2025 (O&M)
Date of decision : 13.05.2025**

Polo and another

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Harpreet S. Rakhra, Advocate, for the petitioners.

Ms. Aakanksha Gupta, AAG, 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 petitioners, in case FIR No.184 dated 18.07.2023, under Sections 363, 366-A, 376 & 506 read with Section 120-B IPC and Section 4 of POCSO Act, 2012, registered at Police Station Jandiala, District Amritsar Rural.

2. Vide order dated 05.04.2025, the petitioners were directed to join investigation and the same is reproduced below:-

“Apprehending arrest in FIR No.184 dated 18.07.2023, under Sections 363, 366-A, 376, 506 read with Section 120-B IPC, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Jandiala, District Amritsar Rural (Annexure P-1), the petitioners have preferred this petition under Section 482 BNSS, 2023 for grant of anticipatory bail.

Learned counsel for the petitioners inter alia contends that there are no allegations of direct involvement in the commission of the alleged offence against the petitioners other than aiding the co-accused Maskeen Ali, who is alleged to have forcibly kidnapped the prosecutrix. It is further submitted that even the

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prosecutrix and the material witness, i.e. paternal uncle of the prosecutrix, have not supported the prosecution case during the trial. The main accused has been granted the concession of bail by this Court vide order dated 20.04.2024 passed in CRM-M-6976-2024. Further, similarly placed co-accused has also been granted anticipatory bail by this Court vide order dated 27.03.2025 passed in CRM-M-47857-2024.

Notice of motion.

Served with an advance copy of the petition, Mr. Davinder Bir Singh, Sr. DAG Punjab, accepts notice on behalf of the respondent-State and on instructions submits that the co-accused Maskeen Ali has been granted regular bail by this Court. This fact has also been confirmed that during the trial against co-accused Maskeen Ali, the victim appeared as PW-2 and she had turned hostile, as per her statement (Annexure P-2). PW-1, paternal uncle of the victim "M.S." has also not supported the prosecution case in his statement (Annexure P-3).

Learned State counsel has further confirmed that as per the DNA test report, human semen and male DNA was not detected in the vaginal swabs of the victim. As per the ossification test report, the age of the victim was between 17-19 years. However, it is submitted that the prosecutrix has supported her version in her statement recorded under Section 164 Cr.P.C. on 29.07.2023.

Adjourned to 23.04.2025.

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

1) That the petitioners shall make themselves available for interrogation by a police officer as and when required to do so.

2) That the petitioners 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 them from disclosing such facts to Court or to any police officer.

3) That the petitioners 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."

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3. Learned State counsel on instructions from SI-Harchand Singh submits that in compliance of order dated 05.04.2025, the petitioners have joined the investigation and are not required for any further investigation.
4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 05.04.2025 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

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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

13.05.2025
Ramandeep Singh

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