



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

207

CRM-M-20082-2025(O&M)

Date of Decision: 16.05.2025

MOHINDER PAL LUMBA AND ANOTHER

...Petitioners

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Navkiran Singh, Advocate for the petitioners.

Mr. Luvinder Sofat, Sr. DAG, Punjab.

KIRTI SINGH, J. (Oral)

1. Apprehending arrest the petitioners have filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in case bearing FIR No.23 dated 18.02.2025 under Sections 64, 351(2) and 351(3) of BNS (Section 123 of BNS added later on), and Section 4/5/6 of Immoral Traffic (Prevention) Act, 1956, Section 6 of Protection of Children from Sexual Offence Act and Section 67 of Information Technology Act (Section 27 of NDPS Act added later on), registered at Police Station Kot Ise Khan, District Moga.

2. This Court while issuing notice of motion on 02.05.2025 passed the following order:-

“The instant petition has been filed under Section 482 of BNSS, for grant of anticipatory bail to the petitioners in case FIR No.23 dated 18.02.2025, under Sections 64, 351(2) and 351(3) of BNS (Section 123 of BNS added later on), and Section 4/5/6 of Immoral Traffic (Prevention) Act, 1956, Section 6 of Protection of Children from Sexual Offence Act and Section 67 of Information Technology Act (Section 27 of NDPS Act added later on), registered at Police Station Kot Ise Khan, District Moga.

2. Learned Counsel for the petitioners submits that the petitioners, though not named in the FIR, have been falsely implicated in the present case after a delay of about 22 days from the date of the alleged occurrence, on the statement of the mother of the prosecutrix.

3. The contents of the aforesaid FIR are as under:-



“Statement of (name withheld) d/o xxxxxxxxxxxx r/o xxxxxx aged 17 years. Stated that I am a resident of the said address and in my family I, my mother Jasvir Kaur and have two brothers Ram Singh and Rajvir Singh. I do house work with my mother Jasvir Kaur. I am uneducated and I live with my family at Gahliwala Road in Bashi Motor. It has been almost 5 years since my father has died. I am addicted to drugs for almost 2 years. I have also been taking tongue pills. My friend Raman and her mother Manjit Kaur who live in a slum at Dana Mandi, Kot Ise Khan, Manjit Kaur used to give me tongue pills when I was addicted to drugs and used to make me do illegal acts. She used to take Rs.300/- from each person for having sexual relations with her and gave me Rs 150/-. On 27.01.2025, when I was alone in my house where 4 persons came to our house, out of which 3 persons was wearing turban and one person was Mona whose beard and hair were cut. They told me that we are from the drug De-addiction committee and lured me to pay rupees 10,000/- and told me that they will bring my brother out of jail and they gave me 2 tongue tablets and gave me a syringe in my hand and made a video of mine in a state of intoxication and put it on the net. Due to this I am defamed everywhere. As my video went viral, I felt humiliated and my mother and I left Kot Ise Khan and went with my family to one of my relatives. The people who made my video came to my sister's house in Bajigar Basti, Faridkot and they said to my sister that "Where is Preet? Tell me her address and we will bring her back. When my sister did not disclose my address then he started threatening to kill my sister and said that you should tell me where girl (Preet) is or else we will pick you up. My sister called my uncle's son and told the whole story to him. Then my uncle's son told this whole story to me and my mother. Thereafter I, alongwith my mother and brother went to my uncle's son at Patti. Today I alongwith my mother came to police station. I can identify the people who have lured me and made my video Legal action be taken against Manjit Kaur, Raman who have made addicted me to drugs and made me to do wrong acts due to this addiction and against those person who had given me intoxicants and handed Syringe to me and made video of me. Action be taken. I have got recorded my statement alongwith my mother Jasvir Kaur. Statement recorded heard and is correct. SD/-, verified statement correct/-Kulwinder Kaur INSP, PS Kot Ise Khan Date 18.02.2025”

4. Learned counsel submits that petitioner No.1 is a Freelance Journalist and he is running a Youtube channel in the name of "GDB" News, through which he raises various issues prevailing in the society like corruption in the Government Departments, Drug menace etc.; while petitioner No.2 (Sukhdeep Singh) is a social worker and is running a NGO since 2019, initially run under the name of “Dashmesh Nasha Mukti Welfare Society”, which later on changed and thereafter registered in the name of “Nasha Virodhi Team Society”. The petitioners are whistle blowers who are actively working to break the nexus between official agencies and drug peddlers.

4. On 27.01.2025, when petitioner No.2 organized a Anti-Drug Awareness Rally at Kot Ise Khan and a langar was being served nearby, the present prosecutrix was found by the Committee members of the NGO in a heavily intoxicated condition. The videos of her condition were recorded by the various media personnel present at that rally and people present at the spot. Petitioner No.1 also being media person recorded this news. Thereafter on 28.01.2025, petitioner No.2 alongwith Nasha Virodhi Team Society Committee traced the prosecutrix and petitioner No.1 recorded the entire conversation with her on camera, wherein she categorically stated that she was put to drugs and was also pushed into



prostitution by certain accused. Thereafter, the prosecutrix was produced before the SHO, Police Station Kot Ise Khan, where her statement was recorded upon which she was accompanied by the lady constable and the Nasha Virodhi Team to the OAT (Opioid Assisted Treatment), Clinic, run by Government of Punjab village Janer near Kot Ise Khan, where she was given treatment under Registration no.202010627433. To highlight the prevalent drug menace in the Society, petitioner No.1 blurred the face of the prosecutrix and broadcasted the News, by taking adequate precautions to ensure that the identity of the prosecutrix was nowhere disclosed.

5. It has also been argued that on the false statement of the mother of the prosecutrix the petitioners have been roped in the present FIR. The petitioners have been falsely implicated due to the impact that reporting of this incident might have on the drug cartel being run in the State by the involved players. Even arrest warrants were issued against the petitioners vide order dated 01.04.2025.

6. Lastly learned counsel submits that the prosecutrix in her statement during media conversation on 28.01.2025 specifically stated that the chemist situated in front of Civil Hospital Kot Ise Khan used to sell drugs/intoxicant tablets, and that she bought the intoxicating tablets from him. Insofar as the allegations of any wrong act are concerned, a perusal of the FIR would show that no offence is made out against the petitioners. The video clip dated 28.01.2025 (Annexure P-3) would depicts that the prosecutrix was well conscious and fully oriented and did not seem to be intoxicated. On watching of the said video clip, it would also be clear that the petitioners did not hand over the syringe or any intoxicant tablets to the prosecutrix, as was alleged. Keeping in view the facts narrated above, petitioners deserves the concession of anticipatory bail.

7. Per contra learned State counsel has opposed the prayer made in the petition and submits that there are serious allegations against the petitioners. While replying upon the contents of the short reply, he submits that during investigation of the case, on 27.03.2025 mother of prosecutrix got recorded her statement, in which she had categorically stated that she identified the persons, who are being seen in the video clip of prosecutrix and who allegedly also provided her intoxicant tablets and injection as Sukhdeep Singh Bhamm son of Paramjit Singh and she also informed that said video clip has been recorded by petitioner No.1, on the basis of her statement petitioners have been nominated as accused vide DDR No.21 Dated 27.03.2025. Further, in her statement made under Section 164 Cr.P.C., the prosecutrix has also levelled specific allegation of wrong acts being committed against her.

8. Heard the rival submissions made by learned counsel for the parties and have perused the record with their able assistance.

9. I have reviewed the contents of the pendrive which was submitted along with the petition and is marked as Annexure P-6. From the video footage, it is evident that petitioners were actively attempting to assist the prosecutrix. Petitioner No.1 conducted the interview with the prosecutrix during which she clearly admitted to being a drug addict and a victim of sexual exploitation. The video of the incident that occurred on 27.01.2025 and the interview of the prosecutrix conducted on the next day, the transcript of which is also placed on record as Annexure P-12, do not contain any allegations to the effect that the petitioners administered drugs to her.

10. The case in hand is a reminder of the grim situation that is prevalent in the State. The alarming escalation in drug addiction amongst youth and the menace of sexual exploitation of young girls necessitates urgent and coordinated actions. Curbing this crises requires a multipronged approach by way of strict enforcement of law against drug peddlers and traffickers, robust rehabilitation programmes for addicts, and also campaigns in schools and communities and a strengthened support system for the victims. Equally vital is the need for co-ordinated efforts between law enforcement agencies, social institutions, and civil societies to ensure that vulnerable persons, especially girls are protected,



empowered and given access to education and safe environments that foster their well being and future security.

11. In view of the facts and circumstances of the case, the arrest of the petitioners shall remain stayed and they shall join investigation before the Investigating Agency/Officer and shall also abide by the following conditions as envisaged under Section 482(2) BNSS:-

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 of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

3) That the petitioners shall not leave India without prior permission of the Court.

12. For further consideration, list on 09.05.2025.”

3. Learned State counsel on instructions from ASI Gursewak Singh submits that in compliance of order dated 02.05.2025, the petitioners have 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 02.05.2025 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 petitioners 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 petitioners.

7. The accused/petitioners 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/petitioners shall not leave India without prior permission of the Court.
9. The accused/petitioners 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 (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.

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

16.05.2025	(KIRTI SINGH)
<i>Kavita</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No