

2025.PHHC.076454



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

**CRM-M-32893-2025
DECIDED ON: 20.06.2025**

GULAL SINGH @ GULAB**.....PETITIONER****VERSUS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Sahil Matharoo, Advocate and
Mr. Ishan Gupta, Advocate for the petitioner.

SANDEEP MOUDGIL, J (ORAL)**1. Prayer**

The jurisdiction of this Court has been invoked under Section 482 read with Section 528 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for grant of Anticipatory Bail to the Petitioner in case FIR No.60 dated 5.4.2019 (Annexure P-1) under Sections 363/366-A IPC and Section 8 of POCSO Act, 2012 and subsequently added Section 376(3) IPC and Section 4 of POCSO Act, 2012 at Police Station Patran, Patiala.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“At this time it is recorded that at this time one statement of Gurmel Singh s/o Gurdev Singh resident of village Tambuwala Police Station Patran District Patiala age about 50 years Mo: 62834-82840 written by ASI Harinderpal 252 Police Station Patran against Gulab Singh

s/o Bali Singh resident of village Tambuwala Police Station Patran District Patiala of offence 363, 366A IPC has been received by hand through PHG Gurmukh Singh 18279 for filing the case, the matter of which is as "Stated that I am resident of above mentioned address and am labourer, I have four children out of which one is son and three are daughters. Eldest is son whose name is Sunny younger daughter than him is daughter whose name is Sanjpreet Kaur, younger than her Komal and younger than her is Manpreet Kaur. My all the three daughters are studying. My daughter Komal whose age is about 16 years, who had given the papers of tenth class from Government High School Banwala. On dated 4-4-2019 my whole the family had slept after eating meals at about 9 hours in the night and I had gone to the field for watering the wheat then at about 1.30 hours in the night when I came to home then my daughter Komal was not at her bed, then I got up my wife Kiran Kaur and my nephew Beant Singh s/o Boota Singh, we searched for our daughter nearby who could not be found. On enquiring I have come to know that Gulab Singh s/o Bali Singh resident of Tambuwala Police Station Patran District Patiala by giving the delusion of marrying with him or with someone else have abducted my daughter Komal. I alongwith my nephew Beant Singh was coming to the Police Station Patran that you have met at Narwana Road bypass Chowk Patran. Action be taken against Gulab Singh s/o Bali Singh resident of Tambuwala. Have got written to you the statement, have read, have heard is correct. LTI above mentioned Gurmel Singh confirmed the statement Sd/- Beant Singh s/o Boota Singh resident of Tambuwala Police Station Patran. Attested Sd/- Harinderpal ASI Police Station Patran, dated 5-4-19. Police"

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It is further submitted that the petitioner and the prosecutrix are legally married and have been blessed with two children a daughter aged approximately 2 years and a son aged about 7 months. Counsel

states that the police has now received the FSL report in the matter and, based on the same, has added offences under Section 376(3) of the IPC and Section 4 of the POCSO Act. He further contends that the prosecutrix was examined as PW-1 before the learned Trial Court and has turned hostile, as is evident from her statement dated 04.03.2020, annexed as Annexure P-4.

Notice of motion.

On behalf of the State/complainant

On the asking of Court, Mr. Jasjit Singh Rattu, DAG Punjab, accepts notice on behalf of respondent/State. He does not controvert the submissions made by learned counsel for the petitioner.

4. **Analysis**

Be that as it may, having given a considerable thought to the submissions made hereinabove especially the facts that the petitioner and the prosecutrix are living together happily and the prosecutrix before the trial Court has turned hostile added with the fact that investigation in the matter stands concluded and trial is underway, no fruitful purpose would be served by sending the petitioner behind the bars, wherein he has *bona fide* intentions and is ready and willing to join the investigation and cooperate for furtherance of the same so that the final report can be submitted by the Investigating Agency in time.

5. **Relief:-**

Hence, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person 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) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

20.06.2025

Meenu

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>