

**CRM-M-41602-2024**

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**CRM-M-41602-2024****Date of Decision: 30.01.2025**

Manpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGHPresent:- Mr. B.S. Baath, Advocate
for the petitioner

Mr. R.S. Thind, DAG Punjab

KIRTI SINGH, J.(Oral)

Prayer in the present petition filed under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner, in case FIR No.0037 dated 12.07.2024 registered under Sections 137(2), 96 and 3(5) of BNS (Sections 135-B/137 of BNS added later on) at Police Station Behrampur, District Gurdaspur.

2. The following order was passed on 09.09.2024:-

"1. The present petition has been filed under Section 482 of the the Bharatiya Nagarik Suraksha Sanhta', 2023 for grant of anticipatory bail to the petitioners in case FIR No. 0037, dated, 12.07.2024, registered at Police Station Behrampur, District Gurdaspur, under Sections 137 (2), 96 and 3 (5) of the Bharatiya Nyaya Sanhita, 2023' (with Sections 135-B/137 thereof were added later on).

2. Learned counsel for the petitioners inter alia contends that petitioner No. 1-Manpreet Singh is alleged to have been accompanying petitioner No. 2-Suraj at the time of the alleged occurrence.



2.1 *It is further contended that petitioner No. 2-Suraj, as well as the prosecutrix, both have jointly filed a petition for protection of their life and liberty from the hands of the respondents in the said petition, i.e. CRWP-6820-2024. The said petition was disposed of, vide order dated 19.07.2024 passed by the co-ordinate Bench of this Court (Annexure P-1). In the said petition, both, petitioner No. 2-Suraj, aged 18 years and 02 months and the prosecutrix-minor, aged 16 years and 06 months, have alleged that they are in a live-in relationship. There is no role of petitioner No. 1-Manpreet Singh in the present case, however, he has been falsely implicated being a relative of petitioner No. 2-Suraj. Petitioner No. 1-Manpreet Singh is a young person and is ready to join the investigation.*

3. *Notice of motion.*

4. *Having received advance copy of the petition, Ms. Himani Arora, A.A.G., Punjab, accepts notice on behalf of respondent No. 1-State and upon instructions from ASI Jagir Chand, has informed that initially the FIR was registered at the instance of the mother of the prosecutrix. The minor prosecutrix was recovered on 19.07.2024 and she was taken into custody by the investigating officer and thereafter, she was kept at 'Sakhi' Centre, Gurdaspur on 19.07.2024. However, on the next day, she was produced before the Child Welfare Committee and her statement under Section 183 of the BNSS was recorded.*

5. *I have seen the copy of the said statement recorded under Section 183 of the BNSS produced by the investigating officer. In the said statement, there are no allegations against petitioner No. 1-Manpreet Singh, however, there are allegations only against petitioner No. 2-Suraj.*

6. *At this stage, counsel for the petitioners submits that he may be permitted to withdraw the present petition qua petitioner No. 2-Suraj.*

7. *Dismissed as withdrawn qua petitioner No. 2.*

8. *The title of the case be now read as **Manpreet Singh vs. State of Punjab.***



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9. *Adjourned to 08.11.-2024.*

10. *In the meanwhile, in the event of arrest of the petitioner-Manpreet Singh, he shall be released on interim bail, on his furnishing bail bonds and surety bonds to the satisfaction of the arresting officer/Area Magistrate and also subject to the following conditions:-*

(i) That petitioner-Manpreet Singh shall further make himself available for interrogation by a police officer as and when required.

(ii) That petitioner-Manpreet Singh 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 petitioner-Manpreet Singh shall not leave India without the prior permission of the Trial Court/CJM concerned.

*In view of the directions given by Hon'ble the Apex Court, vide judgment dated 18.03.2021, in **Aparna Bhat and others vs. State of Madhya Pradesh and another** [SLP (Criminal) No. 2531-2021)], a copy of the present order be supplied to the complainant by the investigating officer.”*

3. Learned State counsel on instructions from ASI Jagir Chand submits that the petitioner 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 09.09.2024 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



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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.

30.01.2025
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No