

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-47961-2025(O&M)

Date of Decision: 27.10.2025

PARAMJIT SINGH JOHAL

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Amit Gupta, Advocate for the petitioner.

Ms. Mandeep Kaur, DAG, Punjab.

Mr. A.S.Manaise, Advocate for respondent No.2.

KIRTI SINGH, J. (Oral)

1. Apprehending his arrest the petitioner has filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in case bearing FIR No.98 dated 12.07.2025 under Section 376 of IPC registered at Police Station Dhariwal, District Gurdaspur.

2. The following order was passed on 26.09.2025:-

“On 29.08.2025, while issuing notice of motion, the following order was passed by this Court:-

“Prayer in the present petition filed under Section 482 of BNSS, is for grant of anticipatory bail to the petitioner, in case FIR No. 98 dated 12.07.2025, under Section 376 of IPC, registered at Police Station Dhariwal, District Gurdaspur.

Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the instant on the statement of prosecutrix, alleging that the petitioner has committed rape upon her without her consent, however even the date, time or year of commission of the alleged offence has not been mentioned in the FIR. It is submitted that the prosecutrix and her husband had taken an amount of Rs.60 lacs from the petitioner on the pretext of arranging job for his daughter-in-law, which was paid through bank transaction. When the prosecutrix and her husband failed to provide a job, the petitioner demanded his money back. The matter was compromised, in terms of which, prosecutrix issued two cheques of Rs.30 lacs each in favour of the



petitioner, which were later dishonored, against which the petitioner filed a complaint under Section 138 of the Negotiable Instruments Act, before the competent Court of jurisdiction, which is pending adjudication. It is further submitted that in this regard, the petitioner also lodged one FIR bearing No.140 dated 13.10.2022 under Sections 420 and 120-B of IPC at Police Station Dhariwal, District Gurdaspur against the prosecutrix and her husband. It is further submitted that one more FIR bearing No.263 dated 28.12.2022 has been registered under Sections 420, 465, 467, 468 and 471 of IPC by one Jaspreet Singh on the similar set of allegations against the prosecutrix.

Notice of motion.

Ms. Guramrit Kaur, DAG, Punjab waives service of notice on behalf of respondent-State and prays for some time to file reply.

Mr. A.S. Manaise, Advocate put in appearance on behalf of complainant and prays for time to file his power of attorney.

Adjourned to 16.09.2025.

In the meantime, arrest of the petitioner shall remain stayed”

Learned counsel for the petitioner submits that there is an inordinate and unexplained delay of 5 years in lodging the present FIR, and there is no medical evidence to substantiate the allegations. The petitioner is ready to join investigation and cooperate with the investigating agency.

Learned State counsel as well as the learned counsel for the complainant oppose the instant petition. It is submitted by the learned State counsel that during inquiry being made into the present FIR, the allegations levelled against the petitioner were found to be correct.

Learned counsel for the complainant submits that the allegations with regard to taking money by the complainant from the petitioner on the pretext of arranging job for his daughter-in-law, are false and concocted. Further, the petitioner in his conversation with Satinder Singh, Sarpanch of village Ball, Tehsil and District Gurdaspur, had admitted the factum of commission of rape by him upon the complainant. Therefore, it is submitted that in view of the gravity of offences, the petitioner is not entitled to the concession of anticipatory bail.

Heard.

One of the main pillars of jurisprudence on which the criminal justice system is based, is the presumption of innocence until proven guilty. If seen in that context, the provision of anticipatory bail, in its essence, can be understood as a safeguard to prevent the curtailment of liberty of an individual, a cherished constitutional guarantee, in circumstances where arrest may be unwarranted, arbitrary, or mala fide. This discretionary power, trite to say, must be exercised judiciously, based on considerations, which include but are not limited to, the nature and gravity of the allegations, the antecedents of the accused, the possibility of the fleeing from justice, and the likelihood of the evidence being tampered with and witnesses being influenced.



Reverting to the case in hand, prima facie there seems to be a monetary dispute between the parties. There is also a significant delay in filing of the present FIR. The allegations of committing rape have been levelled against the petitioner, veracity of which shall be determined during the course of trial, being disputed question of facts.

In view of the above, the petitioner is directed to 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 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.

Adjourned to 27.10.2025.

It is made clear that nothing contained hereinabove shall have any bearings on the merits of the case, lest it may prejudice the trial."

3. Learned State counsel on instructions from ASI Balbir Singh submits that in compliance of order dated 26.09.2025, the petitioner has joined the investigation and is not required for any further investigation.

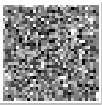
4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 26.09.2025 passed by this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner 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.

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) 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.

27.10.2025
Kavita

(KIRTI SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No