



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

202

CRM-M-56042-2025(O&M)

Date of Decision: 31.10.2025

JORAWAR SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Prateek Pandit, Advocate for the petitioner.

Ms. Akanksha Gupta, AAG, Punjab

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.148 dated 19.07.2025 under Sections 65(1), 127(2), 351(2), 61(2)(a) of BNS, 2023 and Sections 6 and 17 of POCSO Act, registered at Police Station Mehatpur, District Jalandhar (Rural).

2. This Court while issuing notice of motion on 01.10.2025 passed the following order:-

“Prayer in the present petition filed under Section 482 of BNSS,
is for grant of anticipatory bail to the petitioners, in case FIR No. 148 dated 19.7.2025, under Sections 65(1), 127(2), 351(2), 61(2)(a) of BNS, 2023 and Sections 6 and 17 of POCSO Act, registered at Police Station Mehatpur, District Jalandhar (Rural).

Learned counsel for the petitioner inter alia submits that the petitioner has been falsely implicated in the present case, for the sole reason of being the brother of the main accused, against whom allegations of abducting the minor daughter of the complainant and committing rape upon her have been levelled. It is submitted that the brother of the petitioner and the prosecutrix were in fact in a consensual relationship, the factum



of which can be seen from the record of the calls, whatsapp chats and Facebook messages exchanged between the two (Annexure P-2). Furthermore, there is also a delay of 12 days in lodging of the present FIR. The allegations levelled against the petitioner are also without any substance. It is the submission that the parents of the petitioner have already been granted the concession of anticipatory bail by this Court vide order dated 16.09.2025 passed in CRM-M-48488-2025.

Notice of motion.

Ms. Guramrit Kaur, DAG, Punjab waives service of notice on behalf of the respondent-State and opposes the present petition. Learned State counsel, on instructions submits that the victim in her statement recorded under Section 183 BNSS, has stated that she had left her home at her own will.

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, the petitioner is the brother of the main accused, who is alleged to have abducted and raped the minor daughter of the complainant. The prosecutrix in her statement recorded under Section 183 BNSS has stated that she at her volition, left her home. All the contentions made qua the involvement of the petitioner is disputed questions of facts, veracity of which shall be determined during the course of trial.

In view of the above, the petitioner is directed to join investigation before the Investigating Agency/Officer. He 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 28.10.2025.”



3. Learned State counsel on instructions from ASI Amrik Lal submits that in compliance of order dated 01.10.2025, 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 01.10.2025 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



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

31.10.2025
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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No