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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-61517-2024
Date of decision: 20.01.2025

JASPREET SINGH ALIAS JASSI AND ANOTHER

...Petitioner(s)

VERSUS

STATE OF PUNJAB AND ANOTHER

...Respondent(s)

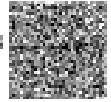
CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Mr. Ranjit Singh Sidhu, Advocate for
Mr. Gopal Singh Nahel, Advocate for the petitioners.

Mr. P. S. Bhandari, AAG, Punjab.

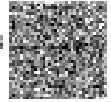
JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 482 of the BNSS, 2023 for the grant of anticipatory bail to the petitioners in FIR No.129 dated 06.10.2024, under Sections 126(2), 70(1) of BNS, registered at Police Station Sadar Sangrur, District Sangrur, Punjab.
2. Status report has been filed by way of affidavit of Deputy Superintendent of Police, Sub-Division Sangrur in the Court today by the learned State counsel and the same is taken on record. A copy of the same has been supplied to learned counsel for the petitioners.
3. Learned counsel appearing on behalf of the petitioners submitted that as per the FIR, the respondent No.2-complainant made an allegation against both the petitioners with regard to committing rape upon her. He further submitted that both the petitioners were wrongly named by respondent No.2-



complainant and rather she had stated before the learned Magistrate that the names of the persons who had committed rape upon her are not within her knowledge. He also submitted that it is a case of mistaken identity as the name of the father of petitioner No.1, namely, Jaspreet Singh @ Jassi is Kaka Singh and not Kikkar Singh and so far as petitioner No.2, namely, Manpreet Singh @ Manu is concerned, the name of his father is not mentioned in the FIR and because of the mistaken identity, the police has proceeded against the petitioners and therefore, they may be considered for grant of anticipatory bail.

4. On the other hand, Mr. P. S. Bhandari, AAG, Punjab, on instructions from ASI Jagtar Singh, who is present in the Court and while referring to the aforesaid status report filed in the Court today submitted that there are serious allegations against both the petitioners pertaining to commission of rape and both the petitioners are specifically named in the FIR and direct role is attributable to them. He further submitted that rather respondent No.2-complainant had got her statement recorded under Section 164 Cr.P.C. before the learned Judicial Magistrate 1st Class, Sangrur, wherein she stated that both the petitioners had raped her. So far as the issue of mistaken identity is concerned, he submitted that during the investigation, it has been found that it is not a case of mistaken identity because Kikkar Singh, who is the father of petitioner No.1 is also known as Kaka Singh and not only this, even in the memo of parties of the present petition filed by the petitioners, the name of the father of petitioner No.1 has been stated as Kaka Singh @ Kikkar Singh and petitioner No.1 has been stated as Jaspreet Singh @ Jassi and so far as petitioner No.2 is concerned, there was also no case of any mistaken identity as his name in the FIR is mentioned as Manu and his other name is Manpreet



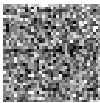
Singh and in the memo of parties of the present petition filed by the petitioners, his name has been stated as Manpreet Singh @ Manu.

5. Learned State counsel while referring to para No.2 of the aforesaid status report submitted that even otherwise also, PO proceedings have been initiated against both the petitioners and even warrants of arrest have been issued by the learned Court below against both the petitioners and considering the aforesaid facts and circumstances, the present petition filed by the petitioners for grant of anticipatory bail is not maintainable. He referred to the judgment passed by Hon'ble Supreme Court in **State of Madhya Pradesh versus Pradeep Sharma, 2014 (2) SCC 171** to contend that when warrants of arrest are issued then normally the petition filed for grant of anticipatory bail would not lie.

6. I have heard the learned counsels for the parties.

7. A perusal of the FIR would show that the respondent No.2-complainant has specifically named Jassi and Manu in the FIR, who are the petitioners. As per the learned State counsel, respondent No.2-complainant reiterated the version of FIR while recording her statement under Section 164 Cr.P.C. before the learned Judicial Magistrate 1st Class, Sangrur. A perusal of the memo of parties of the present petition which has been filed by both the petitioners would show that the petitioners themselves have stated their names to be Jaspreet Singh @ Jassi and Manpreet Singh @ Manu. Learned State counsel has stated on instructions that it has been specifically inquired into that it is not a case of any mistaken identity.

8. Apart from the above, the warrants of arrest have been issued against both the petitioners by the learned Judicial Magistrate 1st Class,



Sangrur. Hon’ble Supreme Court in **Pradeep Sharma’s case (Supra)** observed as under:-

“12. From these materials and information, it is clear that the present appellant was not available for interrogation and investigation and was declared as “absconder”. Normally, when the accused is “absconding” and declared as a “proclaimed offender”, there is no question of granting anticipatory bail. We reiterate that when a person against whom a warrant had been issued and is absconding or concealing himself in order to avoid execution of warrant and declared as a proclaimed offender in terms of Section 82 of the Code he is not entitled to the relief of anticipatory bail.”

9. After hearing the learned counsels for the parties, this Court is of the view that considering the aforesaid facts and circumstances where direct role is attributable to both the petitioners and warrants of arrest have been issued against them, this Court does not deem it fit and proper to grant the concession of anticipatory bail to the petitioners.

10. Consequently, finding no merit in the present petition, the same is hereby dismissed.

11. However, anything observed hereinabove shall not be treated as an expression of opinion on the merits of the case and is meant for the purpose of deciding the present petition only.

(JASGURPREET SINGH PURI)
JUDGE

20.01.2025
Chetan Thakur

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