



CRM-M-62903-2024

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-62903-2024

Date of Decision: 03.02.2025

Lovepreet Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Ravi Malhotra, Advocate for the petitioner

Mr. R.S. Thind, DAG Punjab

Mr. Lalit Singla, Advocate for respondent No. 2

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.310 dated 29.10.2024 under Sections 64, 3(5), 324(4), 324(5) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sohana, District SAS Nagar (Mohali).

2. The following order was passed on 13.12.2024:-

“Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) seeking anticipatory bail in FIR No.310 dated 29.10.2024 under Sections 64, 3(5), 324(4), 324(5) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sohana, District SAS Nagar (Mohali).

Learned counsel for the petitioner, inter alia, contends that respondent No.2-prosecutrix is serving as Head Constable in Punjab Police, whereas the petitioner is serving as Constable and they were in a consensual relationship for the last four years and both of them went on a vacation to Goa, as discernible from air tickets (Annexure P-5). Learned counsel further relies upon photographs (Annexure P-1), wherein both of them are seen together, enjoying each other’s company. Further, there is a delay of 08 days in registration of FIR



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(supra) and in the last two years, respondent No.2- prosecutrix never made any complaint against the petitioner and she continued her consensual relationship with him.

Notice of motion for 03.02.2025.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law."

3. Learned State counsel on instructions from SI Barma Singh submits that 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 13.12.2024 passed by this Court, is hereby made absolute.



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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 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.

03.02.2025

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(KIRTI SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No