



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CRM-M-63901-2024(O&M)

Date of Decision: 07.05.2025

KUSHVIR KHOSLA

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Simranjit Singh, Advocate for the petitioner.

Ms. Aakanksha 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.216 dated 04.10.2024 under Sections 137(2) and 87 of BNS, 2023 registered at Police Station Division 6, District Jalandhar.
2. This Court while issuing notice of motion on 18.12.2024 passed the following order:-

“Prayer in this 482 Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of anticipatory bail to the petitioner in case FIR No. 216 dated 04.10.2024 (Annexure P-1) registered under Sections 137(2) and 82 of the Bharatiya Nyaya Sanhita, 2023, at Police Station Division 6, District Jalandhar.

Learned counsel for the petitioner, inter alia, submits that the present FIR was registered on the basis of statement of the father of the victim with the allegations that on 28.09.2024, some unknown person had enticed away his daughter on the pretext of solemnization of marriage with her. Firstly, it is submitted that as per the FIR, the date of incident is 28.09.2024; whereas the FIR was registered after a delay of almost 01 week thereafter, on 04.10.2024. Further it is submitted that petitioner was not named in the FIR. Furthermore, the victim and the petitioner are friends. Even the victim in her statement recorded under Section 164 Cr.P.C., had stated that she had gone with the petitioner on her own accord. Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to



join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of respondent-State and vehemently opposes the prayer for grant of anticipatory bail to the petitioner. It is submitted that serious allegations have been made in the FIR. However, on instructions from ASI Kulwinder Singh, it is admitted that the petitioner was not named in the FIR; and that the victim in her statement under Section 164 Cr.P.C. recorded on 22.11.2024, has stated that she had gone with the petitioner of her own accord.

Heard.

Adjourned to 07.05.2025.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 482(2) of the BNSS [erstwhile Section 438(2) Cr.P.C.]:-

- i) that the petitioner shall make himself available for interrogation by a police officer as and when required;*
- ii) that the 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/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave India without the previous permission of the Court;*
- iv) such other condition as may be imposed under sub-section (3) of Section 480, as if the bail were granted under that section.*

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing."

3. Learned State counsel on instructions from ASI Kulwinder Singh submits that in compliance of order dated 18.12.2024, 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 18.12.2024 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 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.

07.05.2025
Kavita

(KIRTI SINGH)
JUDGE

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