

2025:PHHC:063024



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

Sr. No.207

CRM-M-64777-2024 (O&M)
Date of decision : 13.05.2025

Amrit Pal Singh

..... Petitioner

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Yagsimant Attri, Advocate, for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (Oral)

1. Prayer in the present petition filed under Section 482 of Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023), is for grant of anticipatory bail to the petitioner, in case FIR No.87 dated 18.11.2024, under Sections 65(1), 127(2) & 61(2) of BNS, 2023 and Section 6 of POCSO Act, registered at Police Station Rureke Kalan, District Barnala.

2. Vide order dated 20.12.2024, the petitioner was directed to join investigation and the same is reproduced below:-

“Prayer in this petition filed under Section 482 Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.) is for grant of anticipatory bail to the petitioner in case FIR No.87 dated 18.11.2024 (Annexure P-1) under Sections 65(1), 127(2) and 61(2) of Bharatiya Nyaya Sanhita (BNS) and Section 6 of POCSO Act, registered at Police Station Rureke Kalan, District Barnala.

Learned counsel for the petitioner, inter alia, submits that the present FIR has been registered on the basis of statement made by the victim herself with the allegations that

2025:PHHC:063024



on 17.11.2024, one Imran Nazir, who was running a Salon, had called her to the Salon and committed forcible rape upon her. It is submitted that the petitioner has not been named in the FIR. The name of the petitioner has surfaced only in the subsequent statement made by the victim under Section 193 Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.) four days thereafter on 21.11.2024, wherein the allegations made against the petitioner is that the petitioner was present at the place of incident and he had bolted the door from outside and left the spot so that Imran Nazir could commit rape upon the victim. Learned counsel submits that the said allegation of the victim is in direct contravention of the statement made by her at the time of registration of the FIR. In this regard, learned counsel refers to the FIR (Annexure P-1) wherein the victim has stated that "... When I went inside the salon, Imran Nazir locked the gate and raped me against my will.... (emphasis supplied). It is submitted that in the FIR the victim had alleged that it was Imran Nazir himself who had locked the gate, whereas in her statement under Section 193 Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.) she has incorrectly taken the name of the petitioner. It is submitted that there are no allegations of sexual assault against the petitioner. Learned counsel for the petitioner prays for grant of interim relief to the petitioner and undertakes that the petitioner will join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and opposes the prayer made on behalf of petitioner. Learned State counsel submits that the allegations against the petitioner are serious; inasmuch as he had facilitated the commission of crime. It is submitted that the victim in the present case is only 15 years of age. Learned State counsel, on instructions from ASI Ranjit Singh, informs that the main accused, namely, Imran

2025:PHHC:063024



Nazir has been arrested. However, learned counsel for the State seeks time to file the status report in the matter.

Adjourned to 13.5.2025.

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) Bharatiya Nagarik Suraksha Sanhita (B.N.S.S.) :-

(i) the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii) 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 from disclosing such facts to the Court or to any police officer;

(iii) 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 status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

3. Status report dated 6.5.2025 has been filed by the learned State counsel and the same is taken on record. She on instructions from ASI-Ranjit Singh submits that in compliance of order dated 20.12.2024, the petitioner has joined the investigation and is not required for any further investigation.

2025:PHHC:063024



4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 20.12.2024 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(s) 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(s).
7. The accused-petitioner(s) 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(s) shall not leave India without prior permission of the Court.
9. The accused-petitioner(s) 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, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), 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.

2025:PHHC:063024



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

(KIRTI SINGH)
JUDGE

13.05.2025
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No