

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:179363



CRM-M-68658 of 2025(O&M)

Reserved on: 23.12.2025

Pronounced on:26.12.2025

Uploaded on:26.12.2025

Ashwani Kumar

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MS. JUSTICE SHALINI SINGH NAGPAL

Present: Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Hardeep Singh Wadhwa, DAG Punjab.

SHALINI SINGH NAGPAL, JUDGE

Petitioner seeks anticipatory bail in case vide FIR No.136 dated 30.10.2025, under Sections 333/74/305/324(4)/351(2) of Bhartiya Nyaya Sanhita (BNS), 2023, Police Station Sadar, District Gurdaspur. This is the first application for anticipatory bail.

2. FIR was registered on complaint of one 'P' who stated that on 29.10.2025 at about 4:30 p.m. when she was present in her house with her children, while her brother-in-law and sister-in-law were away to Gurdaspur, Ashwani Kumar @ Ghulli son of Gulzari Lal, resident of Bhagokawa, Police Station Sadar Gurdaspur, pushed her gate forcefully, broke the latch, extended threat to kill Nirmal Singh and entered the house by cutting the door with a '*dattar*'. Thereafter, he touched her chest with sexual intent.

When she resisted, he damaged the household articles with '*dattar*' creating

terror. Out of fear, she alongwith her children ran to a newly build house for safety. Ashwani Kumar continued damaging and scattering the household articles, fearlessly. He opened the almirah of her sister-in-law and took away Rs.25,000/- from her purse. Before leaving the house, he also hit Baleno car No.PB06-AZ-6234 parked in the shed with '*dattar*', broke the window and mirror of car and while fleeing, extended threats of death.

3. Learned counsel for the petitioner submits that the petitioner was innocent and had been falsely implicated at the behest of complainant party who wanted to encroach upon land of Temple. FIR Annexure P-2 was lodged by Puneet Kumar against the complainant party pertaining to incident dated 03.02.2025. Complainant side had attacked petitioner's father and the FIR was fabricated only to patch up the previous dispute regarding which FIR (Annexure P-2) was registered. The real dispute between the parties was on account of management and control of Shri Guru Ravi Dass Temple, at village Bhagokawa and petitioner was implicated in the FIR with ulterior motive. The allegations of sexual assault and theft were added only to aggravate the offences. Petitioner, whose antecedents were clean, was ready and willing to join investigation.

4. Learned State counsel has opposed the prayer for anticipatory bail arguing that the petitioner tress-passed into the house of complainant by cutting her door with '*dattar*,' damaged all household articles as also the car. He has placed on record photographs of the damaged house and submitted that custodial interrogation of the petitioner was required to effect recoveries.

5. There are serious and specific allegations against the petitioner and his custodial interrogation would be necessitated to effectively

investigate the case, elicit useful information and to effect recoveries. Grant of anticipatory bail, at this stage would result in interference in the statutory investigational powers of the police, which is not permissible.

6. Dismissed.
7. All the pending miscellaneous applications, if any, stand disposed of.

(SHALINI SINGH NAGPAL)

JUDGE

26.12.2025

reema

Whether speaking/reasoned	:	Yes
Whether reportable	:	No