



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

222

CRM-M-4080-2026

Date of Decision: 13.02.2026

SUNIL SINGH @ SEELA

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON

Present:- Mr. Nitin Narula, Advocate for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

NEERJA K. KALSON, J.

1. This petition has been filed under Section 482 BNSS for grant of anticipatory bail in FIR No.121 dated 30.08.2025 under Sections 64, 62, 115 (2), 333 of BNS registered at P.S. Kathu Nangal, District Amritsar (Annexure P-1), during pendency of trial.

2. As per the prosecution case, on 21.08.2025 the petitioner attempted to forcibly commit a sexual act on the complainant. Further when the complainant resisted, he grabbed her by hair and struck her against the wall. The petitioner, then fled from the spot.

3. Learned counsel for the petitioner vehemently submits that the FIR has been lodged belatedly and that the complainant was allegedly maintaining a consensual relationship with the petitioner outside marriage, thereby suggesting false implication and malicious prosecution.



4. Learned State counsel has placed on record status report in Court today, which is taken on record. The learned State counsel vehemently opposes the bail in view of seriousness of the allegations and gravity of offence.

5. Heard and perused the record carefully.

6. This Court deems it apposite to observe, at the outset, that the jurisdiction vested under Section 438 Cr.P.C/Section 482 BNSS is discretionary and is to be exercised with exception, particularly in cases involving grave and serious offences. The Hon'ble Supreme Court, in ***Gurbaksh Singh Sibbia Vs. State of Punjab (1980) 2 SCC 565***, while delineating the controversy of anticipatory bail, emphasised that it is not to be granted as a matter of concern and that the Court must consider various factors, including the nature and gravity of the accusation, the antecedents of the petitioner and the possibility of fleeing from justice or tampering with the evidence.

7. The allegations *prima facie* disclose commission of grave offence of rape. It is a well settled law that, at the stage of consideration of anticipatory bail, this Court is not expected to undertake a detailed appreciation of evidence or conduct a mini-trial, but only to examine whether a *prima facie* case is made out. The prosecutrix has specifically attributed overt acts to the petitioner, including unlawful trespass, use of force and beating.

8. This Court finds that the explanation for the delay in registration of FIR stands *prima facie* clarified in the very first statement of the complainant, wherein she stated that initially the residents of the village were making efforts for an amicable settlement. It is well settled law that delay in



lodging the FIR, if satisfactorily explained, cannot by itself be a ground to discard the prosecution case at the stage of pre-arrest bail. The Hon'ble Supreme Court, in State rep. by *CBI v. Anil Sharma, (1997) 7 SCC 187*, observed that custodial interrogation is qualitatively more elicitation-oriented and often indispensable for a thorough and effective investigation, as compared to questioning a person who is armed with a protective order of anticipatory bail. The investigating agency must be afforded a free hand to unearth the truth, which may necessitate sustained and custodial questioning of the petitioner to ascertain the full facts and circumstances surrounding the alleged crime. Also keeping in view the serious nature of the crime, the possibility of petitioner tampering with evidence or absconding from the course of justice is significantly high, which would be highly prejudicial to a fair trial. The Hon'ble Supreme Court, in *Jai Prakash Singh v. State of Bihar, (2014) SCC 379*, emphasised the need for caution in granting anticipatory bail in serious offences, especially where there is a likelihood of the petitioner tampering with evidence or influencing witnesses.

9. As regards the allegation of relationship between the petitioner and complainant, the same is essentially a matter of defence. Such plea is inherently denary in nature and can only be adjudicated upon after appreciation of evidence during trial. At this stage, this Court cannot conduct a mini-trial or record findings on disputed questions of fact.

10. Furthermore, custodial interrogation may be required in the present case to unearth the larger conspiracy and recover incriminating material. The allegations under Section 64 BNS is grave and heinous in nature, disclosing cognizable offences of serious magnitude against women.



11. Without commenting on the merits of the case, this Court is of the considered view that the petitioner has failed to make out a case for grant of anticipatory bail.
12. In light of the foregoing discussion, the present petition for grant of anticipatory bail stands dismissed.
13. Pending application(s), if any, also stands dismissed.

(NEERJA K. KALSON)
JUDGE

13.02.2026
pry

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No