



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

105+206

CRM-M-15066-2026 (O&M)
Date of Decision:02.04.2026

GURTEJ SINGH**.....PETITIONER****VS****STATE OF PUNJAB****.....RESPONDENT****CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON**

Present:- Mr. Balwinder Singh Chahal, Advocate
for the petitioner.

Mr. Gorav Kathuria, DAG, Punjab.

NEERJA K. KALSON, J.

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking grant of anticipatory bail to the petitioner in case FIR No.0032 dated 25.02.2026, under Section 75, 74, 115(2), 3(5) of the Bharatiya Nyaya Sanhita and Section 8 of Protection of Children from Sexual Offences Act (Amended), 2012, 2019, registered at Police Station Bhagta Bhaika, District Bathinda (Annexure P-1).

2. Briefly, the case of the prosecution is that the instant FIR was registered on the statement of the prosecutrix, who disclosed her date of birth as 22.10.2008. It is alleged that her parents are labourers and she is a student of 12th standard. On 23.02.2026, at about 8:30 a.m., she was waiting for a bus at the bus stand to go to school along with 15–16 other girls. At that time, both the accused namely Manpreet Singh and Gurtej Singh along with an unknown person were also present there. When the bus arrived and she proceeded to board the same, both the accused named above allegedly caught hold of her, forcibly pulled her and made her sit in a car, wherein the said unknown person was already present. It is further alleged that accused



Manpreet Singh touched her private parts, and upon her objection, Manpreet Singh along with Gurtej Singh inflicted blows on her head, causing injuries. Thereafter, the accused persons fled from the spot in the said car. As per the statement, she became unconscious and fell to the ground. Upon regaining consciousness, she found herself at her school, where her teachers were giving her water. Subsequently, her family members reached the school and took her home. On 24.02.2026, she was admitted to the Civil Hospital by her father, whereafter her statement led to the registration of the present FIR.

3. Learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the present case. He further submits that the complainant and the co-accused Manpreet Singh were known to each other and were in a relationship for the past 3–4 years. It is contended that the true facts of the case have been deliberately suppressed and distorted, and that, in reality, the prosecutrix had voluntarily taken a lift on the motorcycle of co-accused Manpreet Singh from the bus stand to reach her school on the alleged day of occurrence.

4. Learned counsel for the petitioner further submits that when the mother of the prosecutrix came to know about the same, she, in a fit of anger, immediately reached the school and forcibly took her daughter back home, whereafter she allegedly administered beatings to her for having taken a lift from the co-accused Manpreet Singh. It is contended that thereafter, on 24.02.2026, the prosecutrix was taken to the Civil Hospital, where the MLR was prepared, and the present case has been falsely engineered thereafter.

5. Learned counsel further submits that there is an unexplained delay of two days in the registration of the FIR, which casts a serious doubt on the veracity of the prosecution story. It is argued that the allegations of

putting the prosecutrix into a car are wholly false and constitute a concocted story, introduced with an ulterior motive to falsely implicate the petitioner. It is further contended that there is no direct or cogent evidence on record to establish the involvement of the petitioner in the commission of the alleged offences.

6. Lastly, the learned counsel for the petitioner submits that no useful purpose would be served by subjecting the petitioner to custodial interrogation, as he is ready to join the investigation and there is no likelihood of his absconding.

7. *Per contra*, learned State counsel has opposed the prayer and submits that the allegations levelled against the petitioner are grave in nature and are duly supported by medical evidence. It is argued that the medico-legal report dated 24.02.2026, placed on record, clearly reflects that the complainant has sustained severe injuries. As per the MLR, the following injuries were found on the complainant.

Sr.No.	Injury Details	Injury number	Pictorial depiction?
1.	Patient Complaints of Pain below left eye, swelling and redness below left eye is present, no sign of active bleeding ADV X-ray of facial skeleton and eye surgeon opinion.	1	Yes
2.	Patient complaints of pain at occipital region of head, no active bleeding present, no mark of external injury at time of examination ADV NCCT Head.	2	Yes
3.	Patient complaints of diffuse pain at left shoulder no mark of external injury present at the time of examination ADV X-ray left shoulder AP and lateral view	3	Yes
4.	Patient complaints of diffuse pain at lower back, no mark of external injury at time of examination, ADV X-ray lower back AP and lateral view	4	Yes



Learned State counsel further submits that the nature, location and character of the injuries lend *prima facie* support to the allegations made in the complaint as well as in the FIR, and therefore, custodial interrogation of the petitioner may be required during the course of investigation.

8. I have heard learned counsel for the parties and have perused the record.

9. This Court deem it apposite to observe, at the outset, that the jurisdiction vested under Section 438 Cr.P.C 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, emphasise 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.

10. The record placed before this Court indicates that the complainant has sustained severe injuries which, as per the MLR, are consistent with the allegations. Such injuries cannot be treated as trivial or superficial at this stage, nor can their existence be ignored while considering the prayer for anticipatory bail.

11. 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

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.

12. At this stage of anticipatory bail, the Court is not expected to conduct a meticulous examination of the evidence or to record findings on the truthfulness of the allegations.

13. In the present case, the existence of injuries as reflected in the MLR lends *prima facie* credence to the allegations made by the complainant, and the investigation is still at a nascent stage.

14. In these circumstances, this Court finds that the learned Additional Sessions Judge was justified in declining the concession of anticipatory bail to the petitioner. No illegality or perversity is found in the impugned order. Accordingly, the present application stands dismissed.

15. Pending application(s), if any, shall also stand disposed of.

(NEERJA K. KALSON)
JUDGE

02.04.2026
pry

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