

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

205-1

CRM-M-24358-2026

Date of Decision: 21.05.2026

CHAMAN KUMAR

.....Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Narinder Singh Dadwal, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

None for respondent No.2.

KIRTI SINGH, J. (ORAL)

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023/438 Cr.P.C., is for grant of anticipatory bail in case FIR No.31 dated 30.01.2026 under Sections 137(2), 87, 308 of BNS, 2023 (359, 366, 383 IPC) and lateron added Section 64 of BNS, registered at Police Station Khanna City-2, District Khanna.

2. The contents of FIR are reproduced hereinafter.

“Today a complaint No.74/5D, dated 29.01.2026 received from xxxx D/o Sh.Satpal Masih R/o Near Pankaj Karyana Store, Kartar Nagar, Amloh Road, Khanna PS City-2 Khanna Distt. Ludhiana received S.I. Saudagar Singh No.117/Khanna against Chaman Kumar S/o Rakesh Kumar @ Kala and Harpreet Kaur W/o Chaman Kumar R/os Near Pankaj Karyana Store, Kartar Nagar, Amloh Road, Khanna PS City-2 Khanna Distt. Ludhiana through PHG Balwinder Singh No.17878 for registration of case, which is as under:- To, Hon'ble Senior Superintendent of Police, Police Distt. Khanna. Subject:- Complainant for taking action against 1) Chaman Kumar S/o Sh. Kala, 2) Harpreet Kaur W/o Chaman Kumar (62808-14960) R/os Near Pankaj Karyana Store, Kartar Nagar, Amloh Road, Khanna PS City-2 Khanna Distt. Ludhiana. Sir, The applicant submits as under:- In the subject matter, it is submitted that 1, xxxx D/o Sh.Satpal Masih, am R/o Near Pankaj Karyana Store, Kartar Nagar,



Amloh Road, Khanna PS City-2 Khanna Distt. Ludhiana and belong to a peace loving family and law abiding and belong to a poor family. That on 7/1/2026, at about 9.00 AM, the above said persons called me from the house fraudulently and took me Aur Church Shri Maachhiwala Sahib on the pretext of prayer, where I have been kept forcibly and these two persons also gave beatings to me. I have been confined in the Church. I have been forced to sign some papers by giving beatings/pressurized threatened. I have no knowledge about these papers what has taken or not. Even I have not been allowed to read these papers. That some days, I have been kept away from Khanna and thereafter, on the pretext of my meeting with my parents, they have directly taken me to their own house. They again confined me as my parents were to much worry and requested the above said persons to tell the whereabouts of their girl, rather they gave threats that trace out the girl wherever she. If he tortures, he will kill them. That on one day, my parents come to the house of Chaman where I have been seen by my father and at that time, he tried to meet me, but the above said persons gave push backs to my parents and closed the gate. My parents knocked the door, but instead of opening the gate, Chaman Kumar and his wife started threatening them. Thereafter, on 29/1/2026, all residents of Mohalla gathered against the above said persons for rescuing xxxx from the house of above said persons. The said persons climbed the terrace and started pelting stones. At that time, one police employee was also in the said mob. For seeing the pelting of stones, the said police employee also came back. During that period, Jathedar Baba Sarabjit Singh Ji, Dashmesh Tarna Dal reached at the spot who enquired from the people then told by some persons that Pastor of Church has forcibly confined the daughter of Satpal Masih in his house. Jathedar got me free from the house of Pastor and Baba Ji handed over me to my parents and then my father and my brother have taken cold breath. We strongly appeal that action be taken as per law against Pastor Chaman Kumar and his wife Harpreet Kaur. Yours faithfully, SD/- xxxx, xxxx D/o Sh.Satpal Masih R/o Near Pankaj Karyana Store, Kartar Nagar, Amloh Road, Khanna PS City-2 Khanna Distt. Ludhiana, Mob. No.978155xxxx.”

3. As per office report, notice issued to respondent No.2 received back served. However, none has put in appearance on behalf of respondent No.2.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case by the complainant. In fact, the petitioner and the complainant were living in a live-in relationship, and their relationship was consensual. Reliance in this regard has been placed on



the affidavits dated 20.1.2026 (Annexure P-1) and dated 28.1.2026 (Annexure P-2) duly sworn by the complainant. However, on 29.1.2026, the complainant moved an application against the petitioner and his wife by levelling false allegations, pursuant to which, the present FIR was initially registered under Sections 137(2), 87 and 308 of BNS against the petitioner and his wife. It is submitted that the petitioner was arrested on 30.1.2026 and subsequently he was granted regular bail by the learned Additional Sessions Judge concerned on 25.2.2026. It is further submitted that the offence under Section 64 of BNS, 2023 was added later on.

5. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner and submit that there are specific and serious allegations against the petitioner. Learned State counsel, on instructions from the investigating officer concerned, submits that the petitioner, in connivance with co-accused, kept the complainant confined for a substantial period of time, when he subjected her to threats, coercion, physical and sexual assault. Learned State counsel further submits that the medical record, including the report of the Radiologist, Civil Hospital, Khanna which showcases pregnancy of the complainant of about 7 weeks and 5 days, further substantiates the seriousness of the allegations. Accordingly, it is submitted that custodial interrogation of the petitioner is warranted to unearth the exact the sequence of events and the extent of the alleged offences.

6. Heard the rival submissions made by learned counsel for the petitioner and learned State Counsel.

7. Before proceeding further, a gainful reference can be made to the observation passed by passed in *X vs Arun Kumar CK, Criminal Appeal*



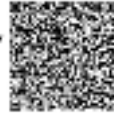
No.1834/2022, wherein it was held that though necessity of custodial interrogation is one of the considerations, however, the same cannot be made the sole basis to determine whether the grant of anticipatory bail is warranted or not. Relevant portion thereof reads thus:-

“x x x x

In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

8. Reverting to the case in hand, *prima facie*, allegations of commission of grave and heinous offence of illegally confining the complainant, subjecting her to repeated physical and sexual assault, and threatening her into conceding to their demands, have been leveled against the petitioner. The complainant, who was even found to be carrying a pregnancy of over 07 weeks at the time of her medical examination, has remained steadfast with respect to the allegations against the petitioner in her statement recorded under Section 183 BNSS.

9. The position of law is settled that the concession of anticipatory bail, which is an extraordinary relief, cannot be granted on the mere asking



of the petitioner. There must be an existence of exceptional circumstances in their favour so as to warrant the Court to extend this concession. Regrettably, there is nothing in the pleadings made on behalf of the petitioner, so as to make out the existence of any such exception, which would make him entitled for grant of concession of anticipatory bail.

10 Accordingly, in view of the totality of the facts and circumstances of the case, including the gravity of the alleged offences and the stage of the investigation, this Court is not inclined to grant the anticipatory bail to the petitioner.

11. Accordingly, the instant petition stands dismissed.

12. Needless to say that nothing observed hereinabove shall be construed as an expression on the merits of the case.

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

(KIRTI SINGH)
JUDGE

May 21, 2026
Ritika

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*