



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

(129)

CRM-M-59280-2025

Date of Decision: 25.3.2026

Saleem Singh alias Sammi

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MS. JUSTICE KIRTI SINGH**

Present: Mr. Lupil Gupta, Advocate and  
Mr. Varun Singla, Advocate  
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

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**KIRTI SINGH, J. (ORAL)**

1. This is the fourth petition filed under Section 482 of BNSS, 2023, is for grant of anticipatory bail to the petitioner, in case FIR No. 255 dated 04.11.2022, under Sections 376, 506 IPC and Section 6 of the POCSO Act, registered at Police Station Sadar Fazilka.

2. The translated version of the FIR is reproduced below:-

*“Statement of xxxxxx wife of Ashwani Kumar son of Mahinder Singh, resident of village Mumbke, aged about 40 years, Mobile No.73470-xxxxx. Stated that I am resident of above said address and doing the work of stitching in my house. I have three daughters. My daughter Pooja Rani is married and two are unmarried. My husband is confined in jail in murder case from last 8 years. My youngest daughter xxxxxx who is aged 15 years who is studying in 10th standard at Government Senior Secondary School, Mohammad Peera. Our village girl Shimpa Rani daughter of Balwant Singh, resident of village Mumbke who had come to me for getting the suit stitched who is also in our relations who had become friend of my younger daughter. On 29.09.2022 at about 10 PM, my daughter was washing the utensils with the tape in the house. Shimpa Rani came*



*to my daughter and took her towards fields for a round. When my daughter and Shimpa reached at Baba Ganda Singh Samadh then Saleem Singh @ Sammi who is real brother of Shimpa Rani came and grabbed my daughter from behind and took her to the vacant place near Baba Gandha Singh Samadh where he has committed rape forcibly with my daughter. Shimpa Rani fled away from the spot. Saleem Singh after committing rape with my daughter extended threats to her that if she disclose anything about this to anyone then he will defame her. My daughter told me the evening time on 30.10.2022. Upon which, I got my daughter admitted in Civil Hospital and get her medical conducted regarding rape. Earlier my daughter went to the relations due to which I could not get my statement recorded. Saleem Singh @ Sammi has committed rape with my daughter and appropriate legal action be taken against him.”*

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present case by the complainant, who is the mother of the prosecutrix. It is submitted that the petitioner and the prosecutrix were well known to each other, and the present FIR was lodged due to some misunderstanding. However, now better sense has prevailed, and both the parties have amicably settled their dispute. Reliance in this regard has been placed on the compromise/agreement dated 09.7.2025 (Annexure P-3). It is also submitted that a petition bearing No. CRM-M-37811-2025 seeking quashing of the present FIR on the basis of the said compromise is also pending adjudication before this Court. It is submitted that even as per the MLR human semen and male DNA was not detected on the vaginal swabs of the victim. It has further been submitted that the petitioner is ready to join investigation and cooperate.

4. *Per contra*, learned State counsel opposes the present petition. It is submitted that specific allegations have been levelled against the petitioner that he forcibly took the prosecutrix, who was a minor, to a



vacant place and committed rape upon her. Moreover, the statement of the prosecutrix under Section 164 Cr.P.C. has been recorded, wherein she has leveled specific allegations against the petitioner that he committed rape upon her and extended threats to her. Learned State counsel, on instructions from ASI Ram Prakash, submits that despite repeated and vigorous efforts made by the investigating agency to apprehend the petitioner, he remained absconding and continuously evaded arrest. Therefore, in view of his persistent non-cooperation, proclamation proceedings have been initiated against him by the learned Court concerned on 09.3.2026 and subsequently challan has been presented before the learned Court concerned on 29.1.2026. Accordingly, it is prayed that keeping in view gravity of offences, the present petition be dismissed.

5. Heard the rival submissions made by learned counsel for the parties.

6. In ***Srikant Upadhyay and others vs. State of Bihar and another, 2024 (INSC) 202 (SC)***, the Hon'ble Supreme Court held as under:-

*“It is thus obvious from the catena of decisions dealing with bail that even while clarifying that arrest should be the last option and it should be restricted to cases where arrest is imperative in the facts and circumstances of a case, the consistent view is that the grant of anticipatory bail shall be restricted to exceptional circumstances. In other words, the position is that the power to grant anticipatory bail under Section 438, Cr.P.C. is an exceptional power and should be exercised only in exceptional cases and not as a matter of course. Its object is to ensure that a person should not be harassed or humiliated in order to satisfy the grudge or personal vendetta of the complainant. (See the decision of this Court in *HDFC Bank Ltd. v. J.J.Mannan & Anr. 2010 (1) SCC 679*).*

*Further, it was clearly observed in para No. 24 of the judgment (supra) that “though in many cases it was held that bail is said to be a rule, it cannot, by any stretch of imagination, be said that anticipatory bail is the rule. It cannot be the rule and the question of its grant should be left to the cautious and judicious discretion by the Court depending on the facts and circumstances*



*of each case. While called upon to exercise the said power, the Court concerned has to be very cautious as the grant of interim protection or protection to the accused in serious cases may lead to miscarriage of justice and may hamper the investigation to a great extent as it may sometimes lead to tampering or distraction of the evidence. We shall not be understood to have held that the Court shall not pass an interim protection pending consideration of such application as the Section is destined to safeguard the freedom of an individual against unwarranted arrest and we say that such orders shall be passed in eminently fit cases. At any rate, when warrant of arrest or proclamation is issued, the applicant is not entitled to invoke the extraordinary power. Certainly, this will not deprive the power of the Court to grant pre-arrest bail in extreme, exceptional cases in the interest of justice. But then, person(s) continuously, defying orders and keep absconding is not entitled to such grant.”*

7. The general rule, put tersely, may be of bail, no jail; however, a just exception may be taken where there are circumstances which might thwart the course of justice. The antecedents of the accused or the probability of the accused fleeing, intimidating witnesses or tampering with the evidence, inter alia, weigh in heavy before the Court when dealing with a petition for the grant of anticipatory bail.

8. A perusal of the record reveals that initially, the petitioner had filed a petition bearing No. CRM-M-32442-2024 seeking anticipatory bail, which was dismissed on 13.8.2024. Subsequently, the petitioner again filed CRM-M-1904-2025 seeking similar relief, which was dismissed as withdrawn on 15.1.2025. Thereafter, the third petition filed by the petitioner bearing CRM-M-8401-2025 was also dismissed by this Court on 31.7.2025.

9. *Prima facie*, there are serious allegations against the petitioner, of committing sexual assault upon the minor prosecutrix, stated to be aged about 15 years at the time of the alleged occurrence, and extending threats to her. The said allegations have been reiterated in the statement of the prosecutrix recorded under Section 164 Cr.P.C., which cannot be overlooked

on the sole ground of absence of forensic evidence, particularly at this stage.



Moreover, it has been brought to the notice of this Court that the petitioner has deliberately been evading arrest, resulting in proclamation proceedings under Section 84 of the BNSS, 2023 being initiated against him. In view of these facts, this Court is not inclined to grant the discretionary relief of anticipatory bail to the petitioner in the present case. Moreover, vide order of even date, the petition bearing CRM-M-37811-2025 filed by the petitioner seeking quashing of the present FIR on the basis of compromise, has also been dismissed by this Court.

10. 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 exception 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 circumstances in his favour and make him entitled for grant of concession of anticipatory bail.

11. Therefore, having regard to the gravity of the alleged offences, the material on record, the evasive conduct of the petitioner, and the likelihood that custodial interrogation would be required of ascertaining the true extent of the alleged occurrence, this Court is not inclined to grant the concession of anticipatory bail to the petitioner, since grant of such relief at this stage might prejudice a free, fair and effective investigation.

12. Accordingly, the instant petition stands dismissed.

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



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

(KIRTI SINGH)  
JUDGE

March 25<sup>th</sup>, 2026  
Gurpreet Singh

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