



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

(207)

CRM-M-62924-2025

Date of Decision: 02.2.2026

Amit Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Digvijay Nagpal, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Sanjeev Sharma, Advocate (Legal Aid Counsel)
for respondents No. 2 and 3.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of BNSS, is for grant of anticipatory bail to the petitioner, in case FIR No. 97 dated 19.9.2025, under Section 75(2) of BNS and Section 8 of the POCSO Act, registered at Police Station Daresi, Ludhiana, District Ludhiana.

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

“Statement of Rxxxxx wife of Amit Kumar resident of house number 543/3/1 near Amar sweet shop Main Road new Shivpuri Ludhiana now resident of house number 1315 Street number two civil line new Chander Nagar Police Station Hebowal Ludhiana aged about 37 years mobile number 76960-xxxxx stated that I am resident of above said address and I am homemaker. My 1st marriage was slomenized with Ajay Kumar son of Tarsem Lal resident of village Bhulath Kapurthala district in the year 2008. From our wedlock two girls were born elder girl Vxxxxx aged about 16 years and younger girl Yxxxxx aged about 14 years we had quarrelsome with each other and I had divorce with my first husband in August 2024 and I kept younger girl Yxxxxx with me and elder girl Vxxxxx was kept with my first husband Ajay Kumar. Then on dated 07-12-2024 my second marriage was slomenized with Amit Kumar son of late Surinder Kumar resident of house number 543/3/1 near Amar Sweet shop Main Road new Shivpuri Ludhiana he was ready to live with my daughter Yxxxxx which was born from my first marriage. Mother



and father of my husband Amit Kumar are no More. I and my girl Yxxxxx and my husband Amit Kumar are living in his house. My daughter Yxxxxx is studying in eighth class at Sanatan Vidya Mandir Senior secondary School civil line new Chandra Nagar Ludhiana. At starting the things were going right. The on dated 01-07-2025 my daughter Yxxxxx told me that when you are doing your work upon this my father (Amit Kumar) kisses me on my cheek and he touches my tummy in a bad way upon this I asked my husband Amit Kumar upon this my husband abused me and told me to go back to my maternal home. Then I returned back to my maternal house a week before. Because my husband Amit Kumar used to touch my daughter Yxxxxx in a bad manner. Legal action should be taken against him.”

3. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in the present FIR on the statement of respondent No. 3, who is the mother of the prosecutrix-respondent No. 2. It is submitted that it is the second marriage of the petitioner and the complainant. The petitioner is the step father of the prosecutrix, and there is a dispute between the petitioner and the complainant, as she used to pressurize the petitioner to transfer his property in her name. It is further submitted that the present FIR has been lodged only to put pressure upon the petitioner and extort money from him. Furthermore, the petitioner has not committed the offences as alleged in the present FIR. It is submitted that the petitioner is ready to join investigation and cooperate with the investigating agency.

4. *Per contra*, the learned State counsel as well as the learned counsel for respondents No. 2 and 3 oppose the present petition.

5. It is submitted that specific allegations have been levelled against the petitioner with regard to sexual harassment of the prosecutrix, who is aged 14 years. The prosecutrix in her statement recorded under Section 183 of BNSS has also supported the prosecution version. Accordingly, it is prayed that keeping in view gravity of offences, the

present petition be dismissed.



6. Heard the rival submissions made by learned counsels for the parties.

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. *Prima facie*, there are serious allegations against the petitioner that the petitioner, being the step father of the prosecutrix, sexually assaulted the girl child, who is stated to be all of 14 years of age. The prosecutrix in her statement recorded under Section 183 of BNSS, 2023 has reiterated the version of the FIR and has levelled specific allegations against the petitioner. Under such circumstances, this Court is not inclined to grant the discretionary relief of anticipatory bail to the petitioner.

9. Consequently, the present petition is dismissed.

10. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

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

(KIRTI SINGH)
JUDGE

February 02, 2026
Gurpreet Singh

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