



IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(210)

CRM-M-65338-2025 (O&M)

Date of Decision: 04.02.2026

DARSHAN SINGH

.....Petitioner

Versus

STATE OF PUNJAB AND ANR.

.....Respondent(s)

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Kishan Garg, Advocate
for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

KIRTI SINGH, J. (ORAL)

1. Prayer in the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS'), is for grant of anticipatory bail to the petitioner, in case FIR No.228, dated 15.09.2025, under Sections 137(2) and 96 of BNS (Sections 137(2) and 96 BNS were deleted and Section 75 of BNS and Section 8 of POCSO Act were added later on), registered at Police Station Bhawanigarh, District Sangrur.

2. Vide order dated 14.01.2026, the petitioner was directed to join investigation. The said order is reproduced hereinafter:-

"As per office report, notice could not be issued to respondent No.2 for want of process fee.

On doing so, let fresh notice be issued to respondent No.2.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present FIR, which was registered on the statement of the father of the prosecutrix, wherein it was alleged that the prosecutrix has been enticed away by an unknown person on the pretext of marriage. It is submitted that the prosecutrix went missing from her house on 11.09.2025, but the complaint was made on 15.09.2025 i.e. after a delay of 4 days. The petitioner, who is real uncle of the prosecutrix, has been implicated in the present FIR for the reason that he and the complainant side have strained relations with each other. Learned counsel



submits that the petitioner is ready and willing to join investigation and cooperate.

Learned State counsel has submitted that since serious allegations have been levelled against the petitioner, therefore, he is not entitled to the concession of anticipatory bail.

One of the main pillars of jurisprudence on which the criminal justice system is based, is the presumption of innocence until proven guilty. If seen in that context, the provision of anticipatory bail, in its essence, can be understood as a safeguard to prevent the curtailment of liberty of an individual, a cherished constitutional guarantee, in circumstances where arrest may be unwarranted, arbitrary, or mala fide. This discretionary power, trite to say, must be exercised judiciously, based on considerations, which include but are not limited to, the nature and gravity of the allegations, the antecedents of the accused, the possibility of the fleeing from justice, and the likelihood of the evidence being tampered with and witnesses being influenced.

Reverting to the case in hand, prima facie the instant FIR was registered after a delay of 4 days. The allegations levelled against the petitioner are disputed questions of facts, veracity of which shall be determined during the course of trial.

Accordingly, the petitioner is directed to join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 482(2) BNSS, 2023;-

(1) That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.

(2) That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts to the case so as to dissuade him from disclosing such facts to Court or to any police officer.

(3) That the petitioner shall not leave India without prior permission of the Court.

Needless to mention that the investigating agency/officer shall continue with the investigation of the case in usual manner.

Adjourned to 04.02.2026.

Interim order to continue.”

3. Learned State counsel on instructions from ASI Darshan Singh, submits that in compliance of order dated 14.01.2026, the petitioner has joined the investigation on 20.01.2026 and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 14.1.2026 passed by this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the petitioner(s) indefinite protection from arrest. It shall be



confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner(s).

7. The accused-petitioner(s) shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him or her from disclosing such facts to the Court or to any police officer.

8. The accused-petitioner(s) shall not leave India without prior permission of the Court.

9. The accused-petitioner(s) shall join the investigation as and when called by the police.

10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS, 2023 (erstwhile Section 439(2) of Cr.P.C.) to arrest the accused-petitioner(s), in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

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

(KIRTI SINGH)
JUDGE

February 04, 2026
Ithlesh

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