



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

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**CRM-M-17582-2026
Date of Decision:20.04.2026**

AMANPREET SINGH KANDA**.....PETITIONER****VS****STATE OF PUNJAB AND ANOTHER****.....RESPONDENTS****CORAM: HON'BLE MS. JUSTICE NEERJA K. KALSON**

Present:- Mr. Sukhmeet Singh, Advocate
for the petitioner.

Mr. Nitesh Sharma, DAG, Punjab.

Mr. J. S. Bhinder, Advocate
for respondent No.2.

NEERJA K. KALSON, J.

1. Petitioner has filed instant petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 for grant of anticipatory bail in FIR No.8 dated 07.01.2026, under Section 69 of the Bharatiya Nyaya Sanhita (BNS), 2023, registered at Police Station City South, District Moga (Annexure P-1).

2. Brief facts of the case are that the complainant and the petitioner came in contact while studying at Mohan Education, Moga, for IELTS and developed a relationship. The petitioner expressed his willingness to marry the complainant and proposed to her on 29.10.2022, assuring that they would reside together as husband and wife. The complainant discussed the proposal with her parents; though her father was initially opposed, he was later convinced. The petitioner also introduced the complainant to his family. Thereafter, the petitioner allegedly asked the complainant to meet him at a private place, which she initially refused. However, on 02.06.2023, he took



her to Chokha Empire, Moga, where he had booked a room and allegedly administered an intoxicated drink, rendering her semi-conscious, and committed rape upon her. It is further alleged that he clicked photographs and recorded videos of the complainant. Thereafter, the petitioner allegedly extended threats to upload the said photographs and videos on the internet to coerce her. On 18.11.2025, he again called the complainant to meet him and pressurized her to accompany him, and upon her refusal, threatened to make the material viral. When the complainant requested him to solemnize marriage, he refused, following which she filed a complaint before the police. During the pendency of the proceedings, the petitioner allegedly continued to threaten the complainant to withdraw the complaint, failing which he would upload the said photographs and videos on the internet.

3. Learned counsel appearing for the petitioner submits that all the allegations levelled against the petitioner are false and fabricated. It is contended that, in the year 2025, respondent No. 2 had been blackmailing the petitioner and pressurizing him to marry her. It is further submitted that respondent No. 2, having secured six bands in IELTS, was insisting that the petitioner bear all expenses for her studies abroad and was also demanding a sum of ₹12,00,000/-, failing which she allegedly threatened the petitioner with dire consequences.

4. Learned counsel further submits that, with the intervention of respectable elders and well-wishers from both sides, the matter has since been amicably compromised between the petitioner and respondent No. 2. In support thereof, respondent No. 2 has executed an affidavit dated 20.02.2026. It is further submitted that in view of the aforesaid compromise and the circumstances of the case, the petitioner is ready and willing to join the



investigation as and when required and, therefore, deserves to be granted the concession of anticipatory bail.

5. *Per contra*, learned State counsel has opposed the prayer and submits that during the course of investigation, a number of raids were conducted to arrest the petitioner; however, the petitioner managed to conceal himself at a secret place and evaded arrest. Consequently, proclamation proceedings have been initiated against the petitioner and the challan has already been presented before the learned trial Court on 06.03.2026. It is further submitted that there are serious allegations against the petitioner and, therefore, he is not entitled to the concession of anticipatory bail.

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

7. This Court deems it apposite to observe, at the outset, that the jurisdiction vested under Section 438 Cr.P.C/Section 482 BNSS 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, emphasized 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.

8. 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 custodial questioning of the petitioner to ascertain the full facts 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.

9. At the 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.

10. In the present case, the existence of proclamation proceedings, as reflected in the status report, lends *prima facie* support to the apprehension that the accused may flee if granted anticipatory bail. Further, the investigation is still at a nascent stage. It is also evident that there is sufficient material against the petitioner at this stage, as reflected from the statement of the victim as well as the record obtained from the hotel, namely Chokha Empire.

11. In these circumstances, this Court finds that the learned Additional Sessions Judge, Moga, was justified in declining the concession of anticipatory bail to the petitioner. No illegality, perversity, or jurisdictional error is shown in the impugned order, warranting interference by this Court. Accordingly, the present petition stands dismissed.

(NEERJA K. KALSON)
JUDGE

20.04.2026

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