

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

Crl.Misc.No.M-13960 of 2015

Date of Decision : 17.7.2015

Parveen Kumar

....Petitioner

Versus

State of Punjab

...Respondent

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

Present : Mr.Rajesh Gupta, Advocate
for the petitioner.

Mr.P.J.S.Hundal, AAG, Punjab.

.....

MAHESH GROVER, J.

This is a petition under Section 438 Cr.P.C. praying for release of the petitioner on bail in terms thereof in a case registered vide FIR No.4 dated 30.1.2015 under Sections 354-D, 506 IPC (Sections 354 IPC and 8 of Protection of Children from Sexual Offences Act, 2012 added later on), at Police Station Dhar Kalan, District Pathankot.

Learned counsel for the petitioner had contended before this Court that the petitioner was accused of having committed an offence under Sections 354D and 506 IPC which are bailable and he was never subjected to arrest. He also contended that investigation was completed and challan submitted and at that time legal opinion surfaced that Section 354

IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 ought to be included, as a result of which he now apprehends his arrest. He further contended that a perusal of the FIR would not constitute an offence under Sections 354 IPC and 8 of the aforesaid Act and the allegations if accepted would imply stalking the complainant without any physical touch.

Noticing this, this Court on 1.5.2015 had granted the interim protection to the petitioner subject to his complying with the provisions of Section 438(2) Cr.P.C., pursuant to which he has since joined the investigation, which fact is not controverted by the learned counsel for the State on instructions from ASI Babu Ram.

Having regard to the aforesaid, the interim directions dated 1.5.2015 are hereby made absolute subject to the condition that the petitioner continues to comply with the provisions of Section 438(2) Cr.P.C.

Petition stands allowed.

17.7.2015

(MAHESH GROVER)
JUDGE

dss