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

CRM-M-1938 of 2015

Date of decision : 09.07.2015

Harpreet Singh @ Johal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE DARSHAN SINGH

Present: Mr.Ankur Mittal, Advocate
for the petitioner.

Mr. Jashanpreet, AAG, Punjab.

DARSHAN SINGH,J(Oral)

1. The present petition has been filed by petitioner Harpreet Singh @ Johal under Section 438 Cr.P.C for grant of the anticipatory bail in case FIR No. 86 dated 18.11.2014, under Sections 376, 366-A, 120-B of Indian Penal Code and Sections 4/8 of POCSO Act (Section 295-A IPC added later on), registered at Police Station Rawalpindi, Kapurthala.

2. On 22.04.2015, the following order was passed:-

“Learned counsel for the petitioner has submitted that in fact the prosecutrix, who is aged about 17-½ years, had relations with the main accused Sanjeev Kumar Sharma, who happened to be Lab Attendant Lecturer and the petitioner is also a lecturer and he used to visit the house of said

Sanjeev Kumar Sharma casually. He has further submitted that prosecutrix had relations with Sanjeev Kumar Sharma and call details can tell the true story. It is further contended that the learned trial court has also observed that there was no active participation of the present petitioner and it is only mentioned that he was present in the car. It is further submitted that the temple, where the alleged occurrence took place, is at the distance of 200 square yards from the house of prosecutrix.

Learned State counsel, on instructions from ASI Gurinder Singh, has stated at the bar that the call records have not been collected and challan has not been presented till today. However, he has admitted that the place of occurrence is 200 square yards away from the house of prosecutrix. He further sought time for collecting the call details.

Adjourned to 09.04.2015.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Officer subject to the conditions envisaged under Section 438 (2) Cr.P.C and on joining investigation.”

3. Learned counsel for the petitioner pleads that main accused Rajinder Kumar @ Sanjeev Kumar has already been acquitted by the learned trial Court. All the prosecution witnesses have not supported the prosecution

version at all. The prosecutrix has categorically stated that she was never kidnapped by anyone nor were sexually assaulted.

4. The aforesaid factual position has not been disputed at bar by the learned State counsel.

5. Learned State counsel has also stated on the instructions of ASI Nirmal Kumar, Police Station Rawalpindi, Kapurthala stated that the petitioner has already joined the investigation and is not required for any custodial interrogation.

6. It is also not disputed that there is no allegations of rape against the present petitioner. It is only alleged that he was driving the car in which the prosecutrix was taken away.

7. Thus, the present petition is hereby allowed and the order of interim anticipatory bail dated 04.02.2015 is hereby made absolute subject to the conditions as provided under Section 438(2) Code of Criminal Procedure, 1973.

09.07.2015

s.khan

**(DARSHAN SINGH)
JUDGE**