

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

CRM-M-41442-2017 (O&M)

Date of decision : 01.12.2017

Sekhu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Kumar, Advocate,
for Mr. Ishaan Pasricha, Advocate for the petitioner.

Ms. Anju Arora, Addl.A.G., Punjab
assisted by SI Karnail Singh.

Mr. Vikram Singh, Advocate for the complainant.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in FIR No.182 dated 16.09.2017, registered under Sections 376, 506 and 120-B of the Indian Penal Code and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Civil Lines, Patiala.

Heard.

On 03.11.2017, the following order was passed:-

“Learned counsel contends that the prsoecutrix was in relationship with the nephew of the petitioner, namely, Anwar. Even the marriage of the prosecutrix had been settled. However, girl resisted the action of the parents. The petitioner has been shown to be the facilitator of the crime.

Notice of motion for 01.12.2017.

The petitioner is directed to join the investigation.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1. That he shall make himself available for interrogation by a police officer as and when required;*
- 2. That he 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 from disclosing such facts to the Court or to any police officer and;*
- 3. That he shall not leave India without prior permission of the Court.”*

Contentends that co-accused Anwar, who is nephew of the petitioner, and the prosecutrix were in a relationship, as is evident from the photographs, Annexure P-3. Even the marriage of the prosecutrix had been settled. No overt act has been attributed to the petitioner. He has joined the investigation in pursuance of the orders passed by this Court.

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation and is not required for custodial interrogation.

On the other hand, learned counsel for the complainant states that the petitioner played active role in the commission of the crime. While the prosecutrix, who was minor, was forcibly raped by co-accused Anwar, the petitioner stood guard outside the room.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 03.11.2017, is made absolute, subject to furnishing bail bonds/surety bonds

to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

01.12.2017
atulsethi

(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No