

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

Sr. No. 205

CRM-M-24810-2017

Decided on : 29.01.2018

Yadwinder Singh and another

..... Petitioners

VERSUS

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.A.K.Garg, Advocate, for the petitioners.

Mr.A.S.Sandhu, Addl.A.G., Punjab.

DEEPAK SIBAL, J. (ORAL)

Through this petition filed under Section 438 Cr.P.C., the petitioners seek the concession of anticipatory bail in FIR No.59, dated 08.07.2015, registered under Sections 354-A and 34 IPC, at Police Station Amargarh, District Sangrur, in which Section 354-D IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 had been added later-on.

On 14.07.2017, while issuing notice of motion, this Court had directed that in the event of arrest, the petitioners shall be released on interim bail subject to their furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioners were further directed to join investigation as and when called upon to do so as also to abide by the conditions as provided under Section 438(2) Cr.P.C.

Seeking anticipatory bail for the petitioners, learned counsel submits that the petitioners, who are 20 years and 19 years of age, have been falsely implicated in the case; they are not involved in any other criminal case; no recovery is to be effected from them and that the FIR in question

was lodged on 08.07.2015 under Sections 354-A and 34 IPC which offences were bailable and the petitioners have never misused the concession of bail till Section 12 of the Protection of Children from Sexual Offences Act, 2012 was added. It is further submitted that under the interim order of this Court the petitioners have not only joined investigation but they have fully cooperated with the investigating agency.

Learned State counsel, on instructions from ASI Jagdev Singh submits that the petitioners have joined investigation; they have fully cooperated with the investigating agency; there is no other criminal case pending against them and that at this stage, they are no longer required for further questioning.

Whether the petitioners have been falsely implicated, is a fact which would be deciphered only during the course of the trial. Since the petitioners are not involved in any other criminal case; they have not only joined investigation but have fully cooperated with the investigating agency; no recovery is to be effected from them and at this stage, the petitioners are not required for any further questioning, I am of the opinion that no custodial interrogation of the petitioners is warranted.

In view of the above, the order dated 14.07.2017, granting ad-interim anticipatory bail to the petitioners subject to the conditions prescribed under Section 438(2) Cr.P.C., requires to be made absolute.

Ordered accordingly.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

During the period that the bail is granted to the petitioners, if they are found indulging in any criminal/illegal activity or misusing the concession of bail granted by this Court, it would be open to the State to move an appropriate application before the competent Court/this Court for cancellation of the bail granted to the petitioners.

29.01.2018
shamsher

[DEEPAK SIBAL]
JUDGE

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