

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

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**CRM-M-7110-2019 (O&M)
Date of Decision : 22.2.2019**

Prince Kumar

....Petitioner

vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr. R.K.Girdhar, Advocate
for the petitioner.

Ms. Amarjit Kaur Khurana, DAG, Punjab.

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 60 dated 3.5.2018 registered under Sections 377 IPC read with Section 34 IPC and Section 12 of Prevention of Children from Sexual Offence Act, 2012, registered at PS Nangal, District Rupnagar.

As per the FIR the minor son of the complainant was subjected to rape by co-accused-Vipin Kumar but the petitioner was not named. Thereafter, the co-accused has tried and acquitted by the Court and it was observed that it was a false case and police now trying to arrest the petitioner.

Learned DAG on instructions from HC Ram Kumar has accepted these factual assertions.

In the circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to the petitioner. Resultantly, the petition is allowed. In the event of arrest of the petitioner, he shall be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

The petitioner is directed to appear before the investigating officer on 6.3.2019 and on any other date as and when his presence is required. In case the petitioner does not appear before the investigating officer in the aforesaid manner the present petition would be deemed to have been dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

22.2.2019
anuradha

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No