

THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-9801 of 2019

Date of Decision: 06.09.2019

Shabdh Kaushal

...Petitioner(s)

Versus

State of Punjab & another

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Deepak Girotra, Advocate
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Mr. Rajesh Sharma, Advocate for
Ms. Priyanka Sharma, Advocate
for respondent no.2.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.194 dated 19.09.2016 under Section 365 and Section 376 IPC (added later on) and Sections 3 and 4 of the POCSO Act, registered at Police Station Basti Khel, District Jalandhar.

Counsel for the petitioner states that pursuant to order dated 30.04.2019 of this Court, the petitioner has joined investigation. A compromise has also been effected between the parties on 12.08.2019. Further, the alleged incident took place on of 19.09.2016 whereas the

medical examination of the prosecutrix as conducted on 23.09.2016 i.e. after 4 days of the incident.

Counsel for the complainant does not dispute the fact that the matter has been compromised between the parties. He further submits that he has no objection to bail being granted to the petitioner.

On the other hand, learned State counsel, on instructions from ASI Gopal Singh, does not dispute the fact that the petitioner has joined the investigation and his custodial interrogation is no more required at this stage.

Considering the fact when petitioner has joined the investigation and his custodial interrogation is not required in the case, the present petition is allowed and the interim order dated 30.04.2019 is made absolute.

However, the petitioner shall continue to comply with the provisions of Section 438(2) Cr.P.C.

September 06, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No