

102.

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

CRM-M-7771-2018

Date of decision: 24.09.2019.

CHOUDHARY DEEPAK DOGRA

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ajay Pal Singh Rehan, Advocate,
for the petitioner.

Mr. Sukhbeer Singh, AAG, Punjab.

Ms. Arti, Advocate,
for the complainant.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.114 dated 18.11.2017 registered under Section 354-A of IPC and Section 10 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar, District Sangrur.

Vide order dated 23.02.2018, while issuing notice of motion in the case, the petitioner was admitted on interim bail subject to his furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer and shall abide by the conditions as laid down under Section 438(2) of Cr.P.C.

Learned counsel for the petitioner states that pursuant to the order dated 23.02.2018 passed by this Court, petitioner has joined the

investigation. He has referred to the statement of Manpreet Kaur, a student of +2 class and incidentally the roommate of Parveen Kaur and the victim. While deposing before the Committee, this witness had stated that she got an information about the incident on 02.11.2017 and when she was being told about the incident, the girls were discussing to defame the Principal and to get him expelled from the school. They were getting full support from another girl, namely, Shiwani. Jaspreet Kaur, another roommate, was also a party in this planning.

Counsel appearing on behalf of complainant states that there are serious allegations against the petitioner for outraging the modesty of the students who are meritorious. She further states that the Deputy Commissioner, Sangrur vide order dated 09.11.2017 had entrusted the enquiry to Prevention of Child Abuse Monitoring Committee and the said Committee has submitted its report (Annexure P-1) that the incident which took place on 01.11.2017, the petitioner has broken the limits of law, morality and decency to which he was expected to maintain being the head of the Institution.

Learned State counsel, on instructions from HC Pushpinder Singh, does not dispute the fact that the petitioner has joined the investigation and states that the custodial interrogation of the petitioner is no more required at this stage, as nothing is to be recovered from him.

I have heard learned counsel for the parties.

Though attention has been drawn by the counsel for the complainant to the statement of Neeta Kaur (Sweeper) and Jaspreet Kaur to contend that earlier also, there were allegations against the petitioner

of outraging the modesty of a Sweeper (Neeta Kaur) and this statement was corroborated by her husband Kulwinder Singh. So far as the statement of Jaspreet Kaur before the Committee is concerned, the perusal of the statement does reflect that her statement is hearsay, as the same has been made on the basis of statement made by Parveen Kaur and Inderjit Raju. Similarly, though statement has been made by Neeta Kaur and the corroboration is made by her husband Kulwinder Singh, who is also a sweeper, however, considering the fact that the petitioner has joined the investigation and his custodial interrogation is no more required, this Court finds that the culpability of the petitioner is yet to be established during the trial.

Accordingly, the present petition is allowed and the interim bail granted to the petitioner vide order dated 23.02.2018 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

24.09.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No