IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-55815 of 2018.
Decided on:- November 20, 2019.

Jaspinder Singh.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

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

*****

Present:- Mr. Hemant Saini, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.
None for respondent No.2-complainant.

HARI PAL VERMA, J. *(Oral)*

This is second petition filed by the petitioner under Section 438 Cr.P.C. seeking anticipatory bail in the event of his arrest in FIR No.64 dated 06.04.2017 under Sections 376, 342, 506, 354-D, 323, 34 IPC read with Sections 3/4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station City Ferozepur, District Ferozepur.

Learned counsel for the petitioner has argued that earlier a joint petition was filed by the petitioner along with other co-accused Parampreet Singh @ Parmanpreet Singh i.e. ***CRM-M-42193 of 2017*** titled as ***jaspinder Singh and another Versus State of Punjab and another*** and vide order dated November 09, 2017 passed by this Court, the said petition was dismissed as withdrawn qua the petitioner, whereas the co-accused Parampreet Singh @ Parmanpreet Singh was admitted on interim bail and the said interim protection was made absolute vide subsequent order dated January 09, 2018.

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He further states that now the matter has been compromised between the parties and the compromise/settlement deed dated 21.11.2018 (Annexure P-1) has been reduced into writing. He further states that even the police did not find any substance in the allegations made in the FIR and resultantly, a cancellation report has been prepared in the case.

Learned State counsel, on instructions from ASI Ajmer Singh, does not dispute this fact that after registration of the FIR, investigation was carried out and a cancellation report was prepared, which is pending before the trial Court since 20.07.2017.

I have heard learned counsel for the parties.

On December 18, 2018, following order was passed by this Court:

> *"The instant petition has been filed seeking grant of anticipatory bail in the FIR No. 64 dated 06.04.2017 registered under Sections 376, 342, 506, 354-D, 323, 34 of Indian Penal Code read with Sections 3/4 of the POCSO Act at Police Station City Ferozepur.*
>
> *Learned counsel for the petitioner contends that on the statement which is recorded by the Investigating Officer, a cancellation report has been prepared which was submitted, however, was not accepted by the Magistrate. It is contended that the parties were well known to each other and the matter has been settled amicably between the parties. It is only on account of some mis-understanding between them that the said FIR was registered.*
>
> *Notice of motion for 18.01.2019.*

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In the meantime, the arrest of the petitioner is stayed till the next date of hearing.

To be connected with CRM-M-42193-2017."

In this manner, arrest of the petitioner was stayed. Now, this Court has been apprised by learned State counsel that after completion of investigation, cancellation report has been prepared, which is pending consideration before the trial Court since 20.07.2017. Therefore, as on date, once the cancellation report has been prepared by the police, the present petition is allowed and the order dated December 18, 2018 passed by this Court, whereby arrest of the petitioner was stayed, is made absolute.

However, in case the petitioner is required in the case in any manner, a clear 15 days notice shall be served upon him.

(HARI PAL VERMA)
JUDGE

November 20, 2019
Yag Dutt

Whether speaking/reasoned: Yes

Whether Reportable: No

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