

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

CRM-M No.12145 of 2020
Date of decision: 12th May, 2020

Jarnail Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Chandan S. Rana, Advocate for the petitioner.

FATEH DEEP SINGH, J. (ORAL)

The matter has been taken up through video-conferencing on account of lockdown due to outbreak of pandemic COVID-19.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab puts in appearance on behalf of the State on his own.

Jarnail Singh, a senior citizen, father of the principal accused Rana Singh alias Ranbir Singh has sought anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.65 dated 25.04.2019 under Sections 354-B, 509, 506, 34 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Dharamkot, District Moga.

The case has been got registered by a minor girl aged around 15 years alleging that on 17.04.2019 around 11.00 a.m. the accused Rana – non applicant called the prosecutrix to his house and tried to ravage her. It is subsequently when at the behest of the complainant family,

Panchayat was convened the petitioner is stated to have used derogatory language against the family of the complainant leading to registration of the present case.

Learned counsel for the petitioner Mr. Chandan S. Rana, Advocate inter alia contends that there is no specific attribution against the petitioner as to the real words spoken/uttered and how it has demeaned the complainant side and that nothing is to be recovered from the petitioner.

On behalf of the State Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab has not controverted the facts canvassed before this Court but has stoutly opposed the grant of bail on the grounds that the petitioner and his son had been instrumental in not only defaming the minor girl and the son had earlier tried to defile her against her wishes and it was by providence of fate she escaped from his clutches and therefore disentitles any relief to the petitioner.

Going through the submissions of the two sides, the only attribution is against the son and the semblance of allegations have come when before the Panchayat the petitioner father of the boy is sought to have uttered words demeaning to the caste of the complainant. The words so alleged to have been used are not spelled out. Thus, nothing is to be recovered from the petitioner and more so, the very element of commission or false implication of petitioner is subject to trial. Thus, joining the investigations by the petitioner would suffice the purpose.

Accordingly, the petitioner is directed to appear before the investigating officer within a period of 15 days from the date of receipt of certified copy of this order and on his doing so the petitioner shall be released on bail to the satisfaction of the arresting/investigating officer till submission of report under Section 173 Cr.P.C. (challan). The petitioner shall continue to join investigation and shall furnish an undertaking that he will abide by the conditions specified under Section 438 (2) Cr.P.C. Thereafter, he will be permitted to furnish regular bail bonds to the satisfaction of the trial Court.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

May 12, 2020

rps

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No