

HEARD THROUGH VIDEO CONFERENCING
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.15786 of 2020 (O&M)
Decided on: 08.07.2020

Lal Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Satnam Singh Thakur, Advocate
for the petitioner.

Mr. A.P.S. Gill, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.311 dated 24.12.2019 registered under Sections 354-A, 354-D, 341, 509 of the Indian Penal Code, 1860 (in short 'IPC') (Section 12 of the POCSO Act added later) at Police Station Lambi District Sri Muktsar Sahib.

Counsel for the petitioner has argued that the petitioner is an old man aged about 74 years and the complainant/victim ('H' not named) is the grand-daughter of his first cousin. It is further submitted that there is a dispute between the two families on account of their affiliations with the political parties and in fact on 30.05.2020 vide receipt No.74-LPC/PP Bhai Da Kera/30/052019, the petitioner has given a complaint to the Incharge, Police Post for taking action against Satpal Singh and Manga Singh i.e. husband and father-in-law of the

complainant. Harpreet Kaur, who has alleged that her daughter was molested by the petitioner. Counsel for the petitioner has further submitted that no action was taken in this regard.

Counsel for the petitioner has further relied upon a writing dated 02.07.2019 executed by the Panchayat certifying that the petitioner had earlier given a complaint against husband of the complainant – Manga Singh and the petitioner is an innocent person, as no such incident has taken place.

Counsel for the petitioner has further submitted that the petitioner has no such previous history of involvement in any other case and he is an old man and has been falsely implicated in the case on the basis of false allegations.

Counsel for the petitioner has also argued that the complaint was given by the complainant which was first referred to the PMO and then to Chief Secretary and then to Additional Chief Secretary (Home) and then to D.G.P. and then to the DSP and the D.S.P. was directed to conduct an enquiry and in the enquiry, it is stated that summons were issued to the petitioner but the same were not accepted. Though, it is matter of fact that the petitioner and the complainant are next to neighbour and thus, there was no occasion for the petitioner not to accept the summons. It is further submitted that the petitioner is living with his two married sons and their families and no such incident as alleged in the FIR has taken place.

Counsel for the State has not disputed the fact that there is a party faction between the two families in the village and a complaint was given by the petitioner on 30.05.2019 whereas the complaint on the

basis of which, the present FIR has been registered, was given by the complainant to PMO on 01.06.2019, without giving any information to the local police and therefore, the FIR was registered after 06 months on 24.12.2019.

After hearing the counsel for the parties, considering the facts and circumstances of the case as well as the age of the petitioner and the grade of relationship between the petitioner and the victim, who happens to be her grand-daughter, this petition is allowed and the petitioner is directed to appear before the Investigating Officer within a period of 10 days from today to join the investigation and he shall be released on interim bail subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case the petitioner fails to join the investigation; found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

08.07.2020
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No