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

CRM-M-18821 of 2020

Date of decision: September 07, 2020

Rohit Kumar @ Rohit

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Parvinder Singh, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG Punjab.

MAHABIR SINGH SINDHU, J

Present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner, in FIR No.111 dated 19.05.2020, under Sections 354, 354-A, 354-B, 452 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station Mahilpur, District Hoshiarpur.

The coordinate Bench of this Court, while issuing notice of motion, passed the following order:-

“Matter has been taken up through Video Conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner seeks concession of pre-arrest bail in case FIR No.111, dated 19.05.2020, under Sections 354/354-A/354-B/452 IPC, registered at Police Station Mahilpur, District Hoshiarpur.

FIR has been registered on the statement of Kajal. The date of alleged occurrence is stated to be 14.05.2020 at about 12:30 hours. Allegations are that the petitioner entered the house of the complainant and molested her. It is

the complainant's version that when she raised a hue and cry, her mother and brother came on the spot and then the accused/petitioner ran away.

Counsel argues that no plausible explanation is coming forth as regards the delay of 5 days in registration of the FIR. FIR reveals that information was received at the police station on 19.05.2020 in relation to the alleged occurrence dated 14.05.2020. False implication is alleged and in this regard, counsel has invited the attention of this Court to Rapat No.17, dated 15.05.2020 (Annexure P-2) which was lodged on the statement of Sujjal Singh i.e. brother of the complainant in relation to a separate occurrence of 14.05.2020 at about 5:30 p.m.

Notice of motion, returnable for 07.09.2020.

In the meanwhile, petitioner is directed to appear before Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel, on instructions from ASI Mahender Pal, has stated that in terms of order dated 16.07.2020, petitioner has joined investigation and his custodial interrogation is not required.

In view of the above, order dated 16.07.2020 granting interim bail to the petitioner, is made absolute, subject to the provisions of Section 438(2) Cr. P.C.

Petition stands disposed off, accordingly.

However, it is made clear that the petitioner shall fully co-operate with the Investigating Officer as and when called for further

investigation.

The above observations may not be construed as an expression of opinion on the merits of the case.

(MAHABIR SINGH SINDHU)
JUDGE

September 07, 2020
mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No