

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

Through Video Conferencing

201

CRM-M-21257-2020(O&M)
Date of Decision : October 15, 2020

GURWINDER SINGH @ GOGU @ GUGU

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. R.K.Arya, Advocate
for the petitioner.

Mr. Sandeep Vermani, Addl. A.G., Punjab.

Mr. Ritesh Pandey, Advocate
for the complainant.

NIRMALJIT KAUR, J. (Oral)

The present petition is filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.96 dated 8.7.2020 under Sections 376/120-B, registered at Police Station, Tibber, District Gurdaspur.

Learned State counsel on instruction from ASI Surinder Singh does not dispute that the petitioner has since joined the investigation in pursuance to the order dated 13.8.2020.

At this stage, learned counsel for the complainant submits that the police has not taken into consideration the evidence produced by him about the age of the girl and the challan has already been filed.

Be that as it may, as on date, the challan has been filed under Sections 376 and 120-B IPC and not under the POCSO Act and this

Court while granting interim bail on 13.8.2020 had noticed that it appears from the transcription of the talk placed on record that the complainant was in touch with the petitioner and it may be a case of consent.

Accordingly, the present petition is allowed and order dated 13.8.2020 is made absolute.

However, the complainant is always at liberty to raise all the pleas as raised by him before the appropriate Court and appropriate stage and take necessary legal measures as per law.

October 15, 2020
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No