

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

**CRM-M No.21306 of 2020 (O&M)
Date of Decision: 28.10.2020**

Harjinder @ Harman @ Kala

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Chandan Singh Rana, Advocate for the petitioner.

Mr. H.S.Multani, AAG, Punjab for the respondent.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.29 dated 11.02.2020, under Sections 363, 366-A of the Indian Penal Code, 1860 (Section 120-B, IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 added later on), registered at Police Station Dugri, District Ludhiana.

The co-ordinate Bench of this Court, while issuing notice of motion on 31.07.2020, passed the following order:-

“ The matter has been taken up through video-conferencing in the light of the pandemic COVID-19 situation and as per instructions.

Learned counsel for the petitioner refers to statement of the prosecutrix (Annexure P-4) recorded under Section 164 Cr.P.C. wherein she has stated that in fact the complaint is made by Jagir Singh, who has been residing with the mother of the prosecutrix in a live-in relationship. The prosecutrix has solemnized marriage with the petitioner and voluntarily joined his company as she does not feel safe in her house.

Notice of motion for 28.10.2020.

At the asking of the Court, Mr. Mehardeep Singh, Addl. A.G., Punjab, accepts notice. A complete copy of the paper book has already been handed over to learned State counsel.

The petitioner is directed to join the investigation.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1. That he shall make himself available for interrogation by a police officer as and when required;*
- 2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;*
- 3. That he shall not leave India without prior permission of the Court. ”*

Contentends that in terms of the above order, petitioner has joined the investigation.

Learned State Counsel, on instructions from S.I. Beena Rani, has acknowledged that in terms of order dated 31.07.2020, petitioner has joined the investigation and his custodial interrogation is not required. He has also verified that prosecutrix is residing with the petitioner as his wife and both are living happy married life.

In view of above, interim order dated 31.07.2020 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

It is also made clear that 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 merits of the case.

Disposed off accordingly.

October 28th, 2020
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>