

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

113

CRM-M-22064-2020

Date of decision : 07.08.2020

Dinesh

...Petitioner

Versus

State of Punjab

...Respondent

=====
IN VIRTUAL COURT
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CORAM: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present: Mr. Amit Goyal, Advocate
for the petitioner.

RAJBIR SEHRAWAT, J. (ORAL)

Present petition has been filed under Section 438 of the Cr.P.C. for seeking anticipatory bail to the petitioner in FIR No. 90 dated 05.06.2020, under Sections 376 and 506 IPC and Section 4 and 6 of Protection of Children from Sexual Offence Act, 2012, registered at Police Station Division No.4, Police Commissionerate Ludhiana, District Ludhiana.

It is contended by learned counsel for the petitioner that the case against the petitioner was concocted and based upon misunderstanding. The petitioner is the son-in-law of the uncle of the complainant. In fact, there was a dispute regarding shifting of the place of trade of the petitioner, which has snow-balled into the present FIR. However, with the intervention of the respectables and elderly, the matter has been settled amicably. The complainant has also sworn the affidavit to the effect that she does not want any action in the matter. There is no other case against the petitioner.

Notice of motion.

Mr. Hitten Nehra, Addl.A.G., Punjab, accepts notice on behalf of the respondent.

Learned State counsel submits that the name of the petitioner has specifically been mentioned. The prosecutrix happens to be minor and even in the statement under Section 164 Cr.P.C. she has named the petitioner. However, it is not disputed that the complainant and the petitioner are relatives and that there is no other case against the petitioner.

In view of the above, the present petition is allowed. It is ordered that the petitioner shall join the investigation as and when so required by the Investigating Agency. However, the Investigating Officer is directed to release the petitioner on bail on his furnishing bail bonds/surety to the satisfaction of the Arresting Officer, in case he is arrested. It is further directed that the petitioner shall also observe the other conditions as required under Section 438(2) of Cr.P.C.

(RAJBIR SEHRAWAT)
JUDGE

07.08.2020
anju

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No