

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-26062-2020

DATE OF DECISION: DECEMBER 9, 2020

GURPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ASHISH GUPTA, ADVOCATE
FOR MR. H.S. BRAR, ADVOCATE
FOR THE PETITIONER.

MR. R.S. KHAIRA, AAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.47 dated 5.5.2020, under Section 376, 377, 354-A, 506 IPC and Section 6 & 12 POCSO Act, Police Station Nihal Singh Wala, District Moga. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 4.9.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the petitioner is having a matrimonial dispute with his wife (complainant) and, therefore, has been falsely implicated by levelling these false allegations regarding exploitation of their daughter. It is pointed out that the occurrence is stated to be about 8-9 months old,

however, the complaint given by the complainant prior to the FIR, does not contain any such allegations.

Notice of motion for 09.12.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has also invited the attention of this Court to the order dated 2.11.2020, passed in miscellaneous application bearing CRM-26347-2020 whereby Section 376 IPC and Section 12 POCSO Act have been added in the prayer clause as well as in the main petition and it was ordered that the order dated 4.9.2020 be also read in respect of the newly added offences.

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Himanshu does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 4.9.2020 is made absolute.

December 9, 2020
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No