

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

CRM-M-529 of 2021

DECIDED ON: 7th JANUARY, 2021

Husanpreet Singh minor through his father Bhajan Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Ramandeep, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail for petitioner who was a juvenile at the time of the alleged incident for which FIR No. 191 dated 26.11.2020 under Section 376-D IPC, 1860 was registered at Police Station Ghagga, District Patiala.

The FIR was at the instance of P (name withheld). The prosecutrix was 36 years of age and was stated to be engaged in selling readymade garments from her house. She used to purchase readymade from Gurdev Singh, owner of Karan General Store. It is alleged that she was called to the shop on 25.11.2020 stating that certain new material has come where she was raped by Kuldeep Singh, Gurdev Singh, one physically handicapped person and one minor boy. The name of the petitioner came in supplementary statement recorded on 28.11.2020.

Learned counsel for the petitioner submits that the petitioner was not specifically named in the FIR. He was just 17 years of age at the time of alleged occurrence. He further relies upon the statement of the prosecutrix recorded under Section 164 Cr.P.C. where she has not supported the allegations in the FIR.

Learned State counsel on instructions from Sub Inspector Amandeep Kaur is not in a position to dispute that the prosecutrix has not supported the contents of FIR in the statement recorded under Section 164 Cr.P.C. It is further submitted that the medical evidence has been sent to FSL and report is awaited.

Considering the facts of the case and the age of the petitioner, he is granted anticipatory bail subject to his joining investigation within one week. In the event of his arrest, the petitioner shall be released on bail subject to his furnishing adequate bail bonds to the satisfaction of the Investigating Officer. He is directed to join the investigation as and when called. He shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

It is made clear that in case the petitioner fails to join the investigation within stipulated time, the State shall be at liberty to make an application for recalling of this order.

The petition is allowed.

(AVNEESH JHINGAN)
JUDGE

7th JANUARY, 2021

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