

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

**CRM-M-11803-2020
Decided on : 14.12.2021**

Jobanpreet Singh

. . . Petitioner(s)

Versus

State of Punjab and another

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Dr. Anmol Rattan Sidhu, Sr. Advocate with
Mr. Raghav Gulati, Advocate, for the petitioner(s).

Ms. Jaspreet Kaur, AAG, Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C., for grant of anticipatory bail to the petitioner, in case FIR No. 56, dated 21.07.2019, lodged under Sections 363, 366-A of IPC (subsequently added Section 376 of IPC) and Section 6 of the POCSO Act, 2012, registered at Police Station Division 1, District Pathankot (Annexure P-1).

Learned Sr. counsel for the petitioner inter alia contends that the FIR in question was got registered against the petitioner as the parents of the victim were averse to her friendship with him on account of strained relations between their fathers, who were working in the same department. He submits that it was essentially a case of consensual relationship between the petitioner and the victim, who was just 17 days short of attaining the age of majority, on the day when she went missing from her school. He further submits that in her statement recorded under Section 164 Cr.PC the victim too stated that she had relations with the petitioner and it was in fact, she, who had asked the petitioner to take her away. Thereafter, on the asking of the petitioner, she left her home for Batala of her own accord but as the petitioner failed to turn up,

she had to remain in Amritsar as she did not want to return home. While staying in Amritsar, she worked at various places till her father located her. He still further submits that the father of the victim had initially lodged a report qua her missing wherein he did not level allegations against anyone much less against the petitioner. However, it was only subsequent to the recovery of the victim, on account of the strained relations, as already submitted, FIR in question with exaggerated and false allegations was registered against the petitioner. Learned senior counsel submits that in compliance of the order dated 27th July, 2021, of the coordinate Bench of this Court, the petitioner has joined investigation and cooperated with the investigation agency.

Learned State counsel on instructions from ASI Dilbir Singh, does not dispute the factum of petitioner having joined investigation and the submissions made by the counsel opposite with respect to the contents of the statement recorded under Section 164 Cr.PC by the victim. She, on further instructions, submits that the petitioner is not required for investigation, much less, custodial interrogation.

In view of the above, the petition is allowed and interim order dated 27th July, 2021, is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C.

(MANJARI NEHRU KAUL)
JUDGE

December 14, 2021

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