

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

-.-

CRM M 19179 of 2021

Date of decision: 18.05.2021

Harmandeep Singh

.....Petitioner

Versus

State of Punjab

.....Respondents

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

-.-

In virtual Court

Present: Mr. Lupil Gupta, Advocate
for the petitioner

-.-

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in the newly added Section 376 (D) of the Indian Penal Code and Section 6 of the POCSO Act vide DDR No. 35 dated 01.12.2020 at Police Station Dharamkot, District Moga in FIR No. 96 dated 12.06.2019 registered under Sections 366-A, 376, 323, 506 and 120-B of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Dharamkot, District Moga.

It is submitted by counsel for the petitioner that earlier the petitioner was granted bail pending trial by this Court vide order dated 13.08.2020 passed in CRM M 15391 of 2020. The petitioner has never

misused the concession of bail. However, by picking up the earlier statement recorded by the prosecutrix, some more sections have been added against the petitioner and he apprehends his arrest. It is also submitted that there is no other case against the petitioner. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. P S Walia, AAG, Punjab accepts notice on behalf of the State and Mr. Shavender Singh, Advocate has put in appearance on behalf of the prosecutrix/complainant.

Counsel for the State, being instructed by ASI Paramjit Kaur, submits that on the basis of the available evidence, Sections 376(D) IPC and Section 6 of the POCSO Act, 2012 have been added now. The police need to investigate these offences as well. Hence, the petitioner does not deserve concession of anticipatory bail. However, it is undisputed that earlier the petitioner was granted bail pending trial and there was no misuse of concession of bail, as such.

Counsel for the prosecutrix/complainant has reiterated her statement that she has married with the co-accused namely Gurwinder Singh and is happily residing with him as his wife. He has also stated that the prosecutrix has no objection, if the petitioner is granted anticipatory bail.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bounds/surety bonds to the satisfaction of the Arresting/Investigating

Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions, as provided under section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

18.05.2021
Mohan Bimbura

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No