

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

(201)

CRM-M-24738-2021

Date of Decision : July 30, 2021

Gobind and another

.. Petitioners

Versus

State of Punjab

.. Respondent

(Through Video Conferencing)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Jitender Singh Dadwal, Advocate, for the petitioners.

Ms. Jaspreet Kaur, Assistant Advocate General, Punjab.

Mr. Ankur Malik, Advocate, for the complainant.

HARSIMRAN SINGH SETHI J. (ORAL)

The petitioners are seeking anticipatory bail in FIR No. 0050 dated 12.05.2020 registered under Sections 354-A, 506 and 34 IPC (Section 8 of the Protection of Children from Sexual Offence Act added later on) at Police Station Meharban, District Ludhiana.

Learned counsel for the petitioners contends that the petitioners have joined investigation in terms of order passed by this Court dated 01.07.2021. Order dated 01.07.2021 is as under:-

“Learned counsel for the petitioners argues that the main allegations are against co-accused Sunil and the allegation against the petitioners is that they used to accompany co-accused Sunil. Learned counsel for the petitioners further argues that all the offences, except offence punishable under Section 8 of the Protection of Children from Sexual Offence Act, 2012 (hereinafter referred as 'POCSO Act'), are bailable and keeping in view the allegations alleged, the ingredients of Section 8 of the POCSO Act are not fulfilled.

Learned counsel for the petitioners submits that main accused Sunil has already been granted the benefit of anticipatory bail by this Court while hearing CRM-M-23902- 2021.

Notice of motion for 30.07.2021.

Mr. Bhupender Beniwal, AAG, Punjab, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition accepts notice on behalf of respondent-State and Mr. Ankur Malik, Advocate, who has also joined the proceedings through video conference, appears on behalf of the complainant.

Learned State counsel does not dispute the fact that the main allegations in the FIR are against co-accused Sunil, who has already been granted the benefit of anticipatory bail by this Court.

Learned counsel appearing on behalf of the complainant submits that the complainant was being threatened after the registration of present FIR by the accused and in case the benefit of anticipatory bail is granted to them, they will again threaten the complainant, which will hamper not only the investigation but the trial as well.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Once, the main allegations are against the co-accused Sunil, who has been already granted the benefit of anticipatory bail by this Court while hearing CRM-M-23902-2021, the petitioners cannot be denied the same benefit on the ground of parity especially when only allegation against them is of accompanying the main accused Sunil at the time of incident. As far as the contention of learned counsel appearing on behalf of the complainant is that the complainant is being threatened, there is no material as of now on record to substantiate the said allegation, but in case, the complainant has any evidence to the said effect, he can approach the appropriate authority with the said grievance, which

grievance will be dealt with in accordance with law.

The petitioners are directed to join the investigation forthwith. In the event of their arrest, they shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on their furnishing bail bonds/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions:-

i) That they shall make themselves available for interrogation by the police officer as and when required.

(ii) That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That they shall not leave India without prior permission of the Court.

(iv) That they shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.”

Learned State counsel, who has also joined the proceedings through video conference, on instructions from ASI Jaswinder Singh, states that in terms of the order of this Court reproduced before, the petitioners have joined the investigation and no further interrogation is required at this stage.

Learned counsel for the petitioners undertakes that petitioners will join investigation and also cooperate with the investigating agency in case they are required for the same in future as well.

In view of the above, the order dated 01.07.2021 granting interim bail to the petitioners is made absolute.

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join investigation

as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that petitioners are required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 30, 2021
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No