

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.105

Crl. Misc. No. M-34478 of 2021

Date of Decision : August 24, 2021

Masoom Ali

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present : Mr. Dheeraj Mahajan, Advocate
for the petitioner.

Mr. M. S. Nagra, AAG, Punjab.

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RAJESH BHARDWAJ, J. (Oral) :

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case bearing FIR No.40 dated 28.03.2021 under Sections 363, 366-A, 34 of the IPC (Sections 3, 4 of POCSO Act added later on), registered at Police Station Mukerian, District Hoshiarpur (Annexure P-1).

Learned counsel for the petitioner contends that no offence as alleged is made out against the petitioner as he has no role to play. He submits that the petitioner never enticed away the victim and after the main accused and victim were arrested, their statements were also recorded by the police. They approached before this Court for grant of protection, however the same was withdrawn. In this way, he submits that the main allegations are against the co-accused and not against the present petitioner and thus, he

At the outset, this Court finds that the victim in the present case is minor, hardly 17 years of age and there are sections 3 and 4 of POCSO Act involved in the case.

Learned State counsel submits that there are 03 accused in this case, out of them only one has been arrested. However, the main accused Ali is yet to be arrested. The petitioner is also wanted for the same offence and his custodial interrogation is required for free and fair investigation.

I have heard counsel for both the sides. The main accused is yet to be arrested. The grant of pre-arrest bail would scuttle the investigation.

Hence, no case is made out for the grant of anticipatory bail as a thorough interrogation & investigation would be required in this case, for which custodial interrogation is required.

Dismissed.

August 24, 2021
monika

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No