

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.36967 of 2020
Date of Decision: February 10, 2021

Ramneek Singh Aujla

...Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Preetinder S. Ahluwalia, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.225 dated 01.09.2020, under Section 376 IPC, 1860 and Section 6 Protection of Children from Sexual Offences Act, 2012, registered at Police Station, Kotwali Kapurthala. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 11.11.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel contends that the complainant had earlier eloped with someone and a case FIR No.18 dated 08.03.2020

under Sections 363 and 366-A IPC was registered at Police Station Sadar Nawan Shahar, SBS Nagar. He further contends that the investigation in the FIR No.18 is still pending and present FIR No.225 has been registered in relation to the same occurrence, wherein her statement under Section 164 Cr.P.C was also recorded, but she retracted from the allegations. He further submits that after completion of investigation a cancellation was prepared but on the basis of opinion of the District Attorney, the final report against him has been filed. He contends that in view of the conflicting stand adopted by the complainant and the fact that the investigation of the case is complete, custodial interrogation of the petitioner may not be necessary.

Notice of motion 10.02.2021.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Mangat Ram, further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail

granted by this Court vide order dated 11.11.2020 is made absolute.

February 10, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No