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

CRM-M No.37180 of 2020 (O&M)

DATE OF DECISION: 13.01.2021

Jaganpreet Singh @ Sahil

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Dheeraj Mahajan, Advocate for the petitioner

Mr. V.G. Jauhar, Senior Deputy Advocate General, Punjab

..

ALKA SARIN, J. (Oral):

Heard through video conferencing.

On 11.11.2020, the following order was passed:

“Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioner in FIR No.99 dated 08.10.2020 under Sections 323, 354 and 506 of Indian Penal Code, 1860 (offence under Section 506 IPC and under Section 8 of the Protection of Children from Sexual Offences Act, 2012 were added and offence under Section 504 IPC was deleted later on vide DDR No.18 dated 11.10.2020) registered at Police Station Puran Shalla, District Gurdaspur.

Learned counsel for the petitioner contends that the present FIR is the outcome of a dispute over the parking of a tractor by the uncle of the minor girl in front of the house of the petitioner. It is further contended

that the family of the minor girl had attacked the father of the petitioner and qua that an MLR has also been recorded on 04.10.2020. The FIR in the present case has been lodged after four days. He further contends that a bare perusal of the FIR reveals that the same is totally bereft of details of the incident regarding molestation of the minor girl. He has further referred to the WhatsApp chats annexed with the petition as Annexure P-5 wherein the minor girl had admitted that in case she had not given the statement the family would have killed her.

Notice of motion.

On the asking of the Court, Mr. Ramandeep Sandhu, Senior Deputy Advocate General, Punjab has joined the session through video conferencing and accepts notice.

List on 13.01.2021.

Let a status report be filed with an advance copy to the counsel opposite.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the petitioner would contend that the petitioner has since joined the investigation and has fully co-operated with the investigating agency.

Mr. Jauhar, learned Senior DAG, Punjab has stated that the State was directed to file a status-report. Although the same has not been filed, however, the learned State counsel, on instructions from SI-Mohan

Singh, has stated that the petitioner has since joined the investigation and is no longer required at this stage. The learned counsel for the State further, on instructions, has submitted that there is no other case pending against the petitioner.

In view of the above, the order dated 11.11.2020 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off, accordingly.

**(ALKA SARIN)
JUDGE**

13.01.2021
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<u>NOTE:</u> Whether speaking/non-speaking: Speaking Whether reportable: YES/NO
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