

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(Heard through VC)

CRM-M- 46158 of 2019 (O&M)
Date of Decision: 19.8.2021

Harpreet Singh @ Manna

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. A.S. Gill, Sr. DAG, Punjab.

Mr. Arun Takhi, Advocate,
for the complainant.

JAISHREE THAKUR, J.

This is a petition that has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in case FIR No. 109 dated 26.9.2019, under Section 342, 323, 506, 34 IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Mehtiana, District Hoshiarpur.

Learned counsel for the petitioner, *inter-alia*, would submit that a reading of the FIR would reflect that there is no sexual intent to the present allegations and that the applicability of the offence under Section 12 of the Protection of Children from Sexual Offences Act, 2012 is debatable in the instant case. Moreover, pursuant to the order dated 30.10.2019, the petitioner has already joined the investigation and is fully cooperating with the investigating agency.

Learned counsel appearing on behalf of the respondent—State affirms the fact that the petitioner herein has joined the investigation and his custodial interrogation is not required.

However, at this stage, learned counsel appearing for the complainant would submit that the order dated 30.10.2019 has been obtained by misrepresenting the facts. It is argued that on 30.10.2019, a statement was made to the effect “*that it is a case of version and cross-version*” and in fact no such cases are pending. It is argued that in fact, FIR No. 109 dated 26.9.2019 was registered at the behest of the complainant for an occurrence which took place on 21.9.2019, whereas FIR No. 111 dated 28.9.2019 was registered at the instance of the petitioner for an occurrence which took place in the intervening night of 27/28.9.2019 i.e. after about eight days of the occurrence in FIR 109. It is argued that FIR No. 111 dated 28.9.2019 has been falsely registered at the instance of the petitioner as there is no ocular or medical evidence available and therefore, the interim protection allowed to the petitioner herein ought to be vacated.

I have heard learned counsel for the parties and perused the FIR that has been registered at the instance of the complainant on the allegations that his grand son, namely Dilpreet Singh had been taken by the petitioner—Harpreet Singh along with another person to a field near the ramp constructed on the village road and had put cloth bandage on his eyes and held his hands from the back side and slapped him hard, while telling that if he narrated this incident to anyone, they will kill him.

On the asking of the Court, it transpires that other than Section 12 of the Protection of Children from Sexual Offences Act, 2012, no other

offence has been added under this Act.

In view of the fact that the petitioner has joined the investigation and is cooperating with the investigating agency, the instant petition is allowed and the order dated 30.10.2019 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438 (2) Cr.P.C.

19.8.2021

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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No