

CRM-M-6327-2020

Date of decision: 28.01.2022

PANKAJ KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. H.S.Dhindsa, Advocate for the petitioner.

Mr. Balbir Singh Sewak, Addl. AG, Punjab.

*(The case has been taken up through video conferencing on account of Covid-19 Pandemic)***VIVEK PURI, J. (ORAL)**

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner namely Pankaj Kumar in case FIR No. 191 dated 05.11.2015, registered under Sections 363/366-A IPC (Sections 376/120-B and Section 3 & 4 of POCSO Act, 2012 added later on), at Police Daba Ludhiana, District Ludhiana.

On 13.02.2020, the following order was passed:-

*“Heard.**Notice of motion for 02.07.2020.**Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr. P.C.”*

Subsequently, on 07.09.2021, it was stated that the petitioner has not been subjected to medical profiling and the learned counsel for the petitioner stated that he is ready to appear before the Investigating Officer and cooperate in this regard.

Learned counsel for the petitioner states that in pursuance of the

interim directions by this Court, the petitioner has joined the investigation and his custodial interrogation is not required. Furthermore, at the initial instance, the challan was presented under Sections 363/366-A against Chanderhans @ Tinku and the petitioner was not nominated as an accused. After a lapse of period of 04 years, the prosecutrix appeared and on the basis of the statement under Section 164 Cr.P.C. the offence under Section 376 read with Section 120-B IPC and Sections 3 & 4 of the POCSO Act were added. Thereafter, the supplementary challan has been presented against the petitioner also.

On instructions from ASI Jatinder Singh, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation and his custodial interrogation is not required.

In the instant case, the petitioner has been implicated in the case after a lapse of 04 years from the registration of the FIR, he has joined the investigation in pursuance of the interim directions issued by the Court, the investigation of the case is complete and the supplementary challan has already been presented in the Court. Moreover, there is categoric stand of the investigation agency that his custodial interrogation is not required. As such, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner.

In view of the aforesaid submissions, the order dated 13.02.2020, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition stands disposed of.

28.01.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No