

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(219)

CRM-M-14300-2022

Date of decision:- 14.09.2022

Bhawandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. P.P.S.Duggall, Advocate for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

On 05.04.2022, this Court passed the following order:-

“Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail to the petitioner in case FIR No.0027 dated 24.02.2022 registered under Sections 376, 506 of Indian Penal Code, 1860 and Section 4 of Protection of Children from Sexual Offences Act, 2012 at Police Station Dakhan, District Ludhiana.

By placing reliance upon Matriculation Examination Certificate (Annexure P-1), counsel for the petitioner submits that date of birth of the petitioner is 07.06.2005 and he was 16 years and 08 months of age, when the incident is alleged to have taken place. He submits that petition seeking anticipatory bail preferred by the petitioner was held to be not maintainable by the Trial Court, vide order dated 23.03.2022 (Annexure P-5). He has placed reliance upon interim order dated 11.08.2020 passed by this Court in CRM-M-17856 of 2020, wherein, the question of maintainability of a petition for grant of anticipatory bail by a juvenile has been referred to a Division Bench of this Court, which is pending for 17.05.2022.

Notice of motion.

On asking of the Court, Mr. Amandeep Singh Gill, Senior Deputy Advocate General, Punjab accepts notice on behalf of respondent- State. He is assisted by Mr. Monty Goyal, Advocate for the complainant. Upon instructions from SI Davinder Singh, State counsel submits that in her statement recorded under Section 164 Cr.P.C, victim has not supported the allegations levelled in the FIR.

List on 14.09.2022.

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

Counsel for the petitioner submits that CRM-M-17856-2020 is pending before a Division Bench of this Court.

Upon instructions received from ASI, Avtar, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. He has further instructions to state that on conclusion of investigation, challan has been presented.

In view of the above, but without commenting upon the allegations levelled in the FIR, present petition is allowed.

Order dated 05.04.2022 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

14.09.2022
Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No