

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-17495-2021

Date of Decision: 17.01.2022

Arshdeep Singh BhatiaPetitioner

Versus

State of Punjab..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

...
(through video conferencing)

Present: Mr. G.S.Bhatia, Advocate
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

...

MANJARI NEHRU KAUL, J. (Oral)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.0034 dated 20.02.2021 under Sections 376, 506 IPC and Section 6 of the POCSO Act registered at Police Station Basti Jhodhewal, Ludhiana.

Learned counsel for the petitioner inter alia contends that while accompanying the petitioner on a public transport, the prosecutrix did not even once raise any hue and cry of being forcibly taken away by the petitioner, which makes it evident that a concocted case has been planted upon him. In support of his submissions, learned counsel has placed reliance upon the statement of the prosecutrix recorded under Section 164 Cr.PC (Annexure P-3) by urging that the tone and tenor of the statement leaves no manner of doubt that the prosecutrix had

thereafter gone to Amritsar for sightseeing. While inviting the attention of this Court to the medicolegal report of the prosecutrix (Annexure P-2), he submits its perusal indicates absence of any sexual assault on the prosecutrix. He, therefore, submits that in the circumstances, the ingredients to attract the mischief of Section 376 IPC are clearly amiss in the case in hand. Learned counsel also submits that the FSL report further lends credence to a false and fabricated case having been planted upon the petitioner by the prosecutrix. He submits that in compliance of order dated 06.09.2021, the petitioner has joined investigation and cooperated with the investigating agency. Therefore, the present petition be allowed.

Learned counsel for the State, on instructions from ASI Randhawa Singh, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. Learned State counsel has not controverted the submissions made by the counsel opposite qua the contents of the statement of the prosecutrix recorded under Section 164 Cr.P.C., wherein, she had not alleged any wrongdoing against the petitioner. She submits that the petitioner is not required for further investigation much less for his custodial interrogation.

I have heard the learned counsel.

In the wake of the statement made by the learned State counsel, the instant petition is allowed and order dated 06.09.2021 is made absolute.

17.01.2022

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(MANJARI NEHRU KAUL)
JUDGE

Note: Whether speaking/reasoned
Whether Reportable:

Yes / No

Yes / No