

CRM-M-17583-2022

Date of decision: 28.07.2022

MANISH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Gursimran Singh Bawa, Advocate for
Mr. Ashok Kumar Khunger, Advocate for the petitioner.

Mr. R.S. Khaira, AAG, Punjab.

VIVEK PURI, J. (ORAL)

On 28.04.2022 , the following order was passed:-

“Through instant petition, the petitioner is seeking anticipatory bail in case bearing FIR No. 0164 dated 22.09.2021 under Sections 376/506/34 IPC and Section 4 of POCSO Act registered at Police Station City Fazilka, District Fazilka.

Learned counsel for the petitioner contends that the case has been registered on the basis of the statement of the victim, who alleges herself to be 17½ years old. The main allegation with regard to commission of forcibly sexual intercourse had been attributed against Ritik (co-accused), who had passed on a mobile phone to the victim and talking to her. The allegations are only against the co-accused to the effect that he had called the victim to grain-market. Thereafter, the petitioner had carried both of them to Abohar, where the victim and co-accused Ritik had stayed in a hotel. It has been further stated that there is no allegation of commission of rape attributed against the petitioner. Furthermore, the age of the victim at the time of occurrence i.e. 19.09.2021 exceeded 18 years. The copy of the matriculation examination result contained at Annexure P-1 indicates the date of birth of the victim to be 17.02.2003.

Notice of motion.

Ms. Ruchika Sabherwal, AAG, Punjab, accepts notice on behalf of the respondent-State.

Adjourned to 28.07.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation.

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 view of the aforesaid submissions, the order dated 28.04.2022, granting interim bail to the petitioner is made absolute.

However, it is made clear that the present order will also enure with regard to the offences under Sections 363/366-A which were ordered to be incorporated in terms of order dated 11.05.2022. The petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

28.07.2022
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(VIVEK PURI)
JUDGE

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