

CRM-M-20569-2022

Date of decision: 14.10.2022

VIVEK YADAV

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Varun Sharma, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG, Punjab.
Mr. Amit Sharma, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in the case bearing FIR No. 94 dated 22.04.2022, under Sections 354-B IPC, 1860 and Sections 7/8/91/9m/10 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Rama Mandi, Police Commssionerate District Jalandhar.

On 06.07.2022, the following order was passed:-

“Reply by way of affidavit Nirmal Singh PPS, Assistant Commission of Police (D), Additional Charge ACP, Central Jalandhar on behalf of the respondent-State has been filed and the same is taken on record.

Learned counsel for the petitioner contends that there is no allegation with regard to any overt act much less sexual act attributed to the petitioner. In fact, the

petitioner has been falsely implicated on account of political motive. The petitioner is working as a boxing coach and three of his trainees have submitted affidavits in support of the petitioner. Moreover, there is substantial delay in lodging the FIR.

Learned State counsel has opposed the bail application on the score that the petitioner was working as a boxing coach and victim is aged about 13 years was his trainee. The petitioner had been asking her for weighment without wearing clothes. She was also asked to sleep in his room. Besides, she was also given beatings on refusal to do so.

However, there is nothing to indicate that the victim at any point of time had got the weighment done without wearing clothes or slept in the room of the

petitioner.

On a query, learned State counsel seeks time to verify as to whether the victim was medico legally examined at any point of time.

On his request, adjourned to 06.09.2022.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

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

On instructions from SI Anju Balla, learned State counsel also submits that the petitioner has joined the investigation and his custodial interrogation is not required. It has been further submitted that the victim has not been medico legally examined as the doctor had opined that the victim has been brought for medico legal examination after a lapse of long time and consequently, no opinion could not be given in the instant case. Furthermore, the petitioner is involved in another case bearing FIR No.264 dated 29.11.2021, under Section 354-B IPC and Sections 7/8/9L of POCSO Act, registered at Police Station Rama Mandi, District Jalandhar but it has not been disputed that he is on bail in that case.

In view of the aforesaid submissions, the order dated 06.07.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

14.10.2022
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(VIVEK PURI)
JUDGE

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