

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.211

CRM-M-27921-2022

Date of decision: 28.07.2022

Amit Kumar @ Amit Sood

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Narinder Lucky, Advocate
for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.20 dated 05.05.2014 registered under Sections 11, 13, 14 and 15 of the Protection of Children from Sexual Offences Act, 2012 and Section 384 IPC and Sections 66E, 67 and 67-A of Information Technology Act, 2000 at Police Station Satnampura, Phagwara District Kapurthala.

On July 01, 2022, this Court had passed the following order:-

“Learned counsel for the petitioner submits that the petitioner has been falsely implicated at the instance of the mother of the prosecutrix. The allegation in the FIR against the petitioner is that he is friend of main accused Raman Bains and some incriminating photographs of the prosecutrix were handed over to the petitioner, who was a neighbour of the main accused. The alleged incident is of 28.05.2011 and the FIR came to be registered on 05.05.2014. There is no explanation for the inordinate delay. It is brought to the notice of this Court that after the registration of FIR, apprehending arrest, main accused Raman Bains had sought anticipatory bail under Section 438 Cr.P.C. from the Court below, which was declined. Thereafter, his similar petition before this Court was also dismissed

vide order dated 04.08.2014 passed in CRM-M-21050-2014. It is further submitted that the main accused Raman Bains and the prosecutrix have since married each other and are living together. CRM-M-29025-2018 was filed seeking quashing of the FIR and arrest of the main accused was stayed vide order dated 12.07.2018. The said petition is still pending. Despite there being no stay of arrest from 2014 to 2018, main accused (Raman Bains) was not arrested in the case. It is submitted that there is no incriminating material on record against the petitioner. It is also pleaded that the petitioner has clean antecedents and no criminal record.

On the oral request of learned counsel for the petitioner, the complainant and victim, are impleaded as respondent Nos.2 and 3, respectively. Amended memo of parties be filed in the Registry.

Notice of motion.

Mr. Davinder Bir Singh, D.A.G. Punjab accepts notice on behalf of the respondent-State and seeks short accommodation to file status report.

Learned State counsel, on instructions from ASI Ranjit Singh, submits that the institution of petition seeking quashing of the FIR, by the main accused, is a matter of record and is now pending for 20.09.2022. The factum of marriage between the prosecutrix and the main accused is also not denied.

Adjourned to 28.07.2022.

In the meanwhile, petitioner shall join the investigation and would come present as and when called and in the event of arrest, the petitioner shall be admitted to ad interim bail on furnishing personal bond and surety to the satisfaction of Arresting/Investigating Officer. The petitioner shall abide by the conditions specified in Section 438(2) Cr.P.C.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined the investigation; co-operated with the investigating agency and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner in the afore-quoted order and the statement made on behalf of the State, the interim order of this Court dated 01.07.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

July 28, 2022
Jyoti 1

(DEEPAK SIBAL)
JUDGE

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