IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

207 **CRM-M-33235-2021**
Date of decision:31.01.2022

BALWINDER SINGH **...PETITIONER**

V/S

STATE OF PUNJAB **...RESPONDENT**

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Salil Dev Singh Bali, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

Mr. Harpreet Singh Jakhal, Advocate for the complainant.

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SUVIR SEHGAL J. (ORAL)

Heard through video conferencing.

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.84 dated 17.07.2021 registered under Sections 354-A/451 of IPC, 1860, and Section 12 of Protection of Children from Sexual Offences Act, 2012, at Police Station Sadar Jalalabad, District Fazilka, Annexure P-1.

FIR, Annexure P-1, has been registered on the complaint of a 16 years old victim on the allegation that on finding her alone, the petitioner entered her house and indulged in an obscene activity.

After hearing the counsel for the petitioner, this Court vide order dated 17.08.2021, granted him interim protection and the following order was passed:-

> *"Learned counsel for the petitioner prays for grant of anticipatory bail to the petitioner while inter alia contending that the petitioner has been falsely implicated in the present case as the allegations qua the petitioner are absolutely silent as to how the prosecutrix victim was subjected to sexual harassment. As defined in Section 12 of the POCSO Act, 2012, the maximum punishment would be imprisonment of either description*

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for a term which may extend to three years and for an offence under Section 451 IPC, the punishment would be imprisonment for a term which may extend to two years. It is argued that nothing is to be recovered from him and he is ready and willing to join the investigation.

Notice of motion..

Mr. A. S. Gill, Sr. DAG, Punjab appearing through the medium of video conferencing accepts notice on behalf of the respondent State and opposes the grant of anticipatory bail to the petitioner while contending that a reading of the FIR would reflect the intentional behaviour of the petitioner as he first sent the parents of the young girl out of the house and then entered the said premises with bad intentions.

I have heard learned counsel for the parties and deem it appropriate to allow the petitioner to join the investigation.

Petitioner is directed to join the investigation within a period of one week and in the event of arrest, the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions incorporated under Section 438(2) Cr.P.C.

Adjourned to 28.01.2022."

Upon instructions from ASI Mukhtiar Singh, State counsel submits that the petitioner has joined the investigation and is no longer required for custodial interrogation as the allegations have been found to be false and a cancellation report has been prepared, which has been approved and is in the process of being presented before the Competent Court.

Keeping in view the above, the present petition is allowed and the order dated 17.08.2021 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

31.01.2022 **(SUVIR SEHGAL)**
sheetal **JUDGE**

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

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