

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34422-2022
Date of Decision: 21.10.2022

AMRITPAL SINGH ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. TVS Lehal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

* * *

VIVEK PURI, J. (ORAL)

On 05.08.2022, following order was passed:

“Petitioner is seeking anticipatory bail in case bearing FIR No.91 dated 11.07.2022 under Sections 354-A, 354-D, 506, 34, 354 IPC & Section 12 of Protection of Children from Sexual Offences Act registered at Police Station Dhariwal, District Gurdaspur.

Learned counsel for the petitioner contends that the victim is aged about 15 years and she has primarily levelled allegation of sexual harassment and stalking against the co-accused namely Deepak Kumar and Gurdit Singh. The name of the petitioner does not find mention in the FIR. The petitioner has been nominated after a period of 4 days during the course of interrogation of the co-accused as the petitioner is the owner of the motor-cycle, which was used by the co-accused.

Notice of motion.

Ms. Ruchika Sabherwal, AAG Punjab accepts notice on behalf of the State and seeks time to get instruction in the matter.

Adjourned to 21.10.2022.

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

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

Learned State counsel, on instructions of ASI Balvir Singh submits that the petitioner has joined the investigation and his custodial interrogation is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 05.08.2022 is made absolute.

It is made clear that this order will also enure with regard to the offence under Section 354-B IPC which has been added subsequent to the registration of the FIR.

The petition stands allowed.

21.10.2022

Janki

(VIVEK PURI)
JUDGE

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