

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(210)

CRM-M-40658-2021

Date of decision:- 19.07.2022

Raj Kumar Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jaskirat Singh Arora, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

...

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.74 dated 14.09.2021, registered for offence under Section 354-A of the Indian Penal Code, 1860 and Sections 8, 12 and 18 of Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act"), at Police Station City Zira, District Ferozepur.

On 29.09.2021, this Court passed the following order:-

"This is a petition that has been filed for grant of anticipatory bail to the petitioner.

Learned counsel appearing on behalf of the petitioner would contend that Section 354-A is bailable and Section 18 of POCSO Act is not applicable, as no offence under the other provisions of the POCSO Act have been alleged against him. It is also contended that the entire case set up by the prosecutrix is on account of the fact that the petitioner herein had reprimanded the complainant. It is

argued that the petitioner is the father of school going children of the same age, while contending that he is ready to join the investigation.

Notice of motion for 04.03.2022.

At this stage, Mr. Rana Harjasdeep Singh, DAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, 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 as provided under Section 438 (2) Cr.P.C.”

Upon instructions received from ASI, Paramjit Singh, State counsel submits that the petitioner has joined the investigation, challan has been presented and he is no longer required for custodial interrogation.

In view of the above, but without commenting on the merits of the case, present petition is allowed.

Order dated 29.09.2021 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

19.07.2022
Kamal

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