

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(204)

CRM-M-37633-2020

Date of Decision: 08.2.2022

Mohinder Singh & another

--Petitioners

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Mr. Veneet Sharma, Advocate for the petitioners.

Ms. Sakshi Bakshi, A.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

The present petition has been filed under Section 438 Cr.P.C for grant of pre-arrest bail to the petitioner in FIR No.253 dated 6.9.2020 registered under Sections 363, 366-A, 34 IPC (later on sections 376-D, 506 IPC and section 6 of POCSO Act were added) at Police Station, Kathu Nangal, Amritsar Rural, District Amritsar.

By virtue of the order dated 16.11.2020 while granting interim protection, the petitioners were directed to join investigation.

It has been contended by learned counsel for the petitioners that in pursuance to the order dated 16.11.2020, the petitioners have joined the investigation and fully cooperated with the same. Counsel has drawn the attention of this Court to the interim order passed wherein it had been contended that the co-accused Gulshan Kumar married with the prosecutrix and they approached this Court for seeking protection of their life and liberty vide CRWP-6897-2020, wherein both were directed to appear before the concerned District & Sessions Judge and as a result protection was

granted to them. It was also contended that at the time of recording of statement of the prosecutrix under Section 164 Cr.P.C certain allegations were made against the petitioners by the prosecutrix. Counsel submits that petitioner no.1 Mohinder Singh is the paternal uncle of co-accused Gulshan Kumar, whereas petitioner no.2 Paramjit Singh @ Pamma is the brother of Gulshan Kumar. Counsel submits that there are 5 accused in all and the remaining co-accused were also granted anticipatory bail and after confirmation of the same, challan was presented against them and the trial is going on qua both of them. Counsel further submits that the petitioners made a statement for cooperating with the investigating agency and they even gave their DNA samples for the examination. It is further submitted that both the petitioners are duly appearing before the investigating agency as and when required and are also obeying the conditions imposed by this Court in letter and spirit.

Learned State counsel has endorsed the submissions made by counsel for the petitioners and submitted that both the petitioners have given their DNA samples for examination, however, report of the same is still awaited.

In view of the above, the order dated 16.11.2020 is made absolute subject to compliance of conditions as envisaged under Section 438(2) Cr.P.C and the petition stands allowed.

(RAJESH BHARDWAJ)
JUDGE

08.2.2022

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No