

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

208-1

CRM-M-49504-2021

Date of Decision:25.08.2022

SAJAN @ SAJAN KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: None for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.177 dated 16.10.2021, Annexure P-1, registered under Sections 376-AB, 363, 366-A of IPC, 1860, and Sections 06 and 17 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Shahpurkandi, District Pathankot, Annexure P-1.

On 07.12.2021, this Court passed the following order:-

“Status report by way of an affidavit of Deputy Superintendent of Police, Sub-Division Dharkalan, Pathankot has been filed on behalf of the respondent-State, in compliance of the order dated 26.11.2021, which is taken on record. A copy thereof, has been supplied to counsel for the petitioner.

Counsel for the petitioner has referred to para 5 of the status report, which is reproduced as under:-

“5. That on 17.10.2021 SI/I.O Anita Kumari Incharge Women Cell, Dharkalan moved an application for the medical examination of the prosecutrix in the Civil Hospital, Badhani, District Pathankot but prosecutrix mother (Neelam Kumari) wife of Parbodh Raj has refused for medical examination of her daughter. On the same day, SI/I.O Anita Kumari Incharge Women Cell, Dharkalan made an application for recording of statement of the prosecutrix U/s 164 Cr.P.C and moved it in the Court of Sh. Hem Amrit Mahi, JMIC, Pathankot. Sh. Hem Amrit Mahi, JMIC, Pathankot

recorded the statement of the prosecutrix U/s 164 Cr.P.C. "She stated that I am 11 years old and I am in 8th class. I also have an elder brother. On 15.10.2021, we went to Hanuman Chowk, Kahanpur (to) see Dushera at noon. It was 6 o'clock. Sajan is my cousin's brother. He also came there at Dushehra. He used to tell me that I want to marry you and walk with me. He took me with motor cycle and going to unknown place. Just stood outside the hotel because the hoteliers were not going in. They were asking us for Aadhaar Card. We waited there for half an hour. Then we came back to our house. There was no coercion with me. There I also talked to my cousin Sanju from Sajan's phone. He also came to pick up. Then we came back home nothing happened. I was not raped but I was taken at the request of Sajan, Shilpa. Everything is said please."

List on 28.03.2022.

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

Upon instructions from ASI Asok Kumar, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation.

In view of the above, without commenting upon the allegations levelled in the petition, present petition is allowed and the order dated 07.12.2021 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.

25.08.2022
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(SUVIR SEHGAL)
JUDGE

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