

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

CRM-M-54782-2021(O&M)

Date of Decision: 24.05.2022

Mukhtiar Singh and Anr.

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Rahul Arora, Advocate
for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

VIVEK PURI J.

On 21.01.2022 following order was passed:

“Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.54 dated 26.08.2021 (Annexure P-1) under Sections 341, 365, 323 and 34 IPC (Section 354 IPC and Section 12 of POCSO Act added later on vide rapar No.35 dated 29.08.2021) registered at Police Station Amir Khas District Fazilka.

Learned counsel for the petitioners submits that false and fabricated case has been planted upon the petitioners on account of previous enmity between the parties. He further submits that the complainant has come up with three different versions, which are at variance with each other. He still further submits that no injury has been attributed to the petitioners in the occurrence in question. Learned counsel submits that all the injuries allegedly received by the complainant party at the hands of the petitioners were simple in nature.

Learned State counsel, on instructions from ASI Harmeet Lal, does not dispute that the injuries allegedly

received were indeed simple in nature.

In the circumstances, the petitioners are directed to join the investigation and appear before the investigating agency as and when called upon to do so. In the event of their arrest, they shall be admitted to interim bail on their furnishing bail bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall abide by the terms and conditions as envisaged under Section 438(2) Cr.P.C. Adjourned to 24.05.2022. "

Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioners have joined the investigation. The offences under Section 354 IPC and Section 12 of Protection of Children from Sexual Offences Act have been added subsequently and the same have not been attributed to the petitioners.

On the instructions of ASI Mohinder Singh, learned State Counsel has not disputed the aforesaid factual aspects and further contends that custodial interrogation of the petitioners are not required.

Keeping in view the entire circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioners.

Accordingly, order dated 21.01.2022, vide which the petitioners have been granted interim bail, is made absolute.

Petition is allowed.

24.05.2022

Ajay Goswami

(VIVEK PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No