

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****201****CRM-M No.2780 of 2023****Date of Decision : 12.10.2023**

Jaspal Singh

....Petitioner

VERSUS

State of Punjab

....Respondent

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Ms. Deepika Chauhan, Advocate  
for Mr. Rohit Sapehiya, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

**ALKA SARIN, J. (Oral)**

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0101 dated 10.08.2022 under Sections 363, 365 of the Indian Penal Code, 1860 and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012 (Section 376 IPC was added later on) registered at Police Station Mehatpur, District Jalandhar.

2. On 02.08.2023 the following order was passed :

*“On 05.05.2023 the following order was passed :*

*“Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.101 dated 10.08.2022 under Sections 363,365 and Section 376 IPC (added later on) and Sections 4 and 12 of the POCSO Act, registered at Police*

*Station Mehatpur, Jalandhar Rural, District Jalandhar.*

*As per the status report filed by the respondent-State, the girl has been recovered and has been sent to her parental home.*

*Learned counsel for the petitioner submits that the girl has been recovered however, he still maintains that the girl and the petitioner's son are living together and are not in touch with him. He further submits that whether the girl has gone back to her parental home or not, is not known to the petitioner. He submits that the petitioner is the father of the boy and has no role to play. He further submits that the petitioner has been falsely implicated in the present case.*

*In view of the above, the matter stands adjourned to 02.08.2023.*

*In the meanwhile, in the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join investigation on 12.05.2023 at 10.00 AM, and co-operate with the investigating agency, even thereafter and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.*

*It is made clear that the interim arrangement made herein shall not be construed for deciding the petition on merits.”*

*Learned counsel for the petitioner would contend that due to some misunderstanding the petitioner did not join investigation and prays that the petitioner be given one opportunity to join investigation.*

*Learned counsel for the State on instructions from Dwarka Das has stated that the petitioner did not join investigation on 12.05.2023 and thereafter he was also given a telephone call by the Investigating Officer and even then he did not join investigation.*

*In view of the above, last opportunity is granted to the petitioner to join investigation on 07.08.2023 at 10.00 AM and to cooperate with the Investigating Agency.*

*List on 12.10.2023.*

*Interim order to continue.”*

3. Today learned State counsel on instructions from ASI Dwarka Das has stated that despite last opportunity being granted to the petitioner to join investigation on 07.08.2023 at 10.00 am, he did not join the investigation. Learned State counsel would further contend that the Investigating Officer has repeatedly tried to call the petitioner, however, he has switched off his mobile phone.

4. Learned counsel for the petitioner states that she has no instructions as to whether the petitioner has joined the investigation or not.

5. In view of the statement made by learned State counsel, this Court is left with no other option but to dismiss the present petition for grant of anticipatory bail.

6. In view of the above, the present petition is dismissed. Pending applications, if any, also stand disposed off.

**( ALKA SARIN )**  
**JUDGE**

12.10.2023  
jk

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO