

In the High Court of Punjab and Haryana at Chandigarh

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CRM-M-8581-2023

Date of Decision: 17.02.2023

Dilpreet Singh @ Dilla

---Petitioner

versus

State of Punjab

---Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Nirbhay Garg, Advocate,
for the petitioner

Mr. Amish Sharma, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioner is seeking anticipatory bail in FIR No. 14 dated 03.02.2021, under Sections 363, 366-A IPC (Sections 201 and 120-B added later on) (in challan offence under Section 376 IPC and Section 4 of POCSO Act added), registered at Police Station City-II, Malerkotla, District Sangrur.

The case of prosecution is that father of the prosecutrix lodged a complaint averring that he is working as a driver in a shoe factory. He has three children. In the intervening night of 31.01.2021 and 01.02.2021 at about 2.00 a.m., Dilpreet Singh in connivance with his mother Paramjeet Kaur, father Jagtar Singh and elder brother

Prabhdeep Singh enticed away his daughter on the pretext of marriage.

The petitioner and prosecutrix filed CRWP No. 1339 of 2021 before this Court seeking protection of life and liberty. The prosecutrix at that point of time was minor and this fact was duly disclosed in CRWP No. 1339 of 2021. This Court vide order dated 10.02.2021 directed the SSP, Moga to decide representation of the petitioners and thereafter grant protection to them, if any threat to their life and liberty is perceived.

The petitioner was arrested on 12.02.2021. At that point of time, FIR was registered under Sections 363 and 366-A IPC. Sections 201 and 120-B IPC later on came to be added in the FIR. On account of non-filing of police report under Section 173 Cr.P.C., the petitioner was released by trial court on 02.06.2021. The police after completing investigation filed challan wherein Sections 376 IPC and 4 of POCSO Act were added, apart from other Sections invoked in FIR.

Learned counsel for the petitioner inter alia contends that petitioner was arrested on 12.02.2021 and thereafter released on regular bail almost after four months. The complainant and his family members have entered into a compromise dated 01.02.2023 with the petitioner. Thus, it is unfair and unjust to put the petitioner behind the bars on the basis of newly added Sections.

Notice of motion.

Mr. Amish Sharma, AAG, Punjab, accepts notice on behalf of respondent-State.

Learned State counsel, on instructions from ASI Gurdeep Singh submits that human semen has been detected, thus, petitioner has committed grave offence and he does not deserve any kind of leniency.

I have heard learned counsel for the parties and perused the records.

In view of the fact that the petitioner has already remained in custody for four months; there is compromise between the parties and a criminal writ petition seeking protection of life and liberty was filed by the petitioner and prosecutrix before this Court, the petitioner is directed to surrender before trial court within 10 days from today. If the petitioner surrenders before the trial Court within the stipulated period, the trial court shall release him on bail on his furnishing bail bonds to its satisfaction.

Petition stands disposed of.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

17.02.2023

paramjit