

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10447-2023
Date of Decision: 06.07.2023

HARWINDER SINGH @ SHEELA ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Sukriti Kaur, Advocate for
Mr. Karan Sachdeva, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

VIVEK PURI, J. (ORAL)

1. On 22.03.2023, following order was passed by the Co-ordinate

Bench:

“This is a petition under Section 438 Cr.P.C. seeking grant of pre-arrest bail in case FIR No.109 dated 24.08.2022, registered under Sections 452, 354, 354-A, 354-B, 354-D, 506, 341 of IPC, Sections 8, 11 and 12 of POCSO Act, 2012, at Police Station Ghanaur, District Patiala.

Learned counsel for the petitioner contends that as per allegations in the FIR, the petitioner is not accused of committing the alleged offences against the complainant, he was only standing near the place of occurrence. It is further submitted that the complainant herself has not supported the prosecution version, and based on that, co-accused has already been acquitted vide judgment dated 23.01.2023 (Annexure P-6) passed by Additional Sessions Judge, Fast Track Special Court, Patiala. There is no other case against him. He is ready and willing to join investigation and cooperate with the Investigating Agency.

Mr. Jashandeep Singh, Assistant Advocate General, Punjab, appears on advance notice and upon instructions from ASI Rajinder Kumar, does not deny the facts aforementioned. He, however, submits that the petitioner is not appearing before the trial Court.

Notice of motion for 06.07.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest, he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C.”

2. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation.

3. Learned State counsel, on instructions from ASI Hardev Singh, has submitted that the petitioner has joined the investigation and his custodial interrogation is not required.

4. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 22.03.2023 is made absolute.

06.07.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No