

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

212

Criminal Misc. No. M-10852 of 2023

Date of decision :-05.07.2023

Raman Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Tanvir Joshi, Advocate
for the petitioner.

Ms. Kanika Sachdeva, AAG, Punjab.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.32 dated 17.2.2022, under Sections 376-D, 506, 34 IPC and Section 6 of POCSO Act, 2012, registered at Police Station Kotbhai, District Sri Muktsar Sahib, Punjab.

On 02.03.2023, this Court had passed the following order

:-

“Prayer in this petition is for grant of anticipatory bail to the petitioner in case FIR No.32 dated 17.02.2022, under Sections 376-D, 506, 34 of IPC and Section 6 of the POCSO Act, 2012, registered at Police Station Kotbhai, District Sri Muktsar Sahib, Punjab.

Learned counsel for the petitioner submits that even on the bare perusal of the FIR, there is no allegation against the petitioner and, moreso, the prosecutrix herself turned hostile, for which he

relies upon the statement of the prosecutrix dated 02.11.2022 (Annexure P-1) recorded before the learned trial Court. He further submits that the petitioner is not known by his nick name "Painta" in the village, however, the report of ASI Harnek Singh submitted before the Court below records that the present petitioner is known as "Painta" in village and his father is known as "T.T.Singh". On a specific query put by this Court, as to whether the petitioner is known as "Painta" in the village or not, counsel for the petitioner has stated that petitioner is not known by the said name in the village.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, who is assisted by ASI Mohan Singh, accepts notice on behalf of the respondent State.

Adjourned to 05.07.2023.

However, without commenting upon the factual matrix of the matter or expressing any opinion on the merits of the case, the petitioner shall join investigation on 09.03.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

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 and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

In case, the Authorities find that a mis-statement has been made by the petitioner with regard to his name or a popular name in the village, the present interim bail granted to the

petitioner shall be cancelled and appropriate proceedings shall be initiated against the petitioner. Therefore, the Investigating Agencies are directed to confirm the same by recording statements of some persons in the village with regard to petitioner's name and nick name, if any, and file a status report in that regard also, on the next date of hearing.”

Learned State counsel, on instructions from ASI Gurmeet Singh states that in terms of the order passed by co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 02.03.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as well as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

July 05, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes / No
Whether Reportable Yes / No