

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**206****CRM-M No.16689 of 2023****Reserved on : 05.09.2023****Date of Decision : 06.09.2023**

Rahul Dhunna

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanjeev K. Virk, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J.

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.108 dated 21.06.2022 under Section 376-D of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station City Phagwara, District Kapurthala, who has been summoned under Section 319 CrPC vide order dated 05.01.2023.

2. Learned counsel for the petitioner would contend that the petitioner, who is a 19 years old student, has been falsely implicated in the present case and that he was not present at the time of the occurrence and was infact present at Hair Institute which is also apparent from the daily attendance register of June 2021, appended with the petition as Annexure P-3. Learned counsel for the petitioner would further contend that the Special Investigating Team (SIT) had found the petitioner innocent and the

petitioner has subsequently been summoned with the aid of Section 319 CrPC.

3. Status report by way of affidavit of Mr. Jaspreet Singh, PPS, Deputy Superintendent of Police, Sub Division Phagwara, Kapurthala filed by learned State counsel is taken on record. Registry to scan the same and tag at the appropriate place. It has been stated in the status report that after registration of the FIR a Special Investigating Team (SIT) was constituted and that the petitioner herein was declared innocent and challan was presented only against co-accused, namely, Paramjit Singh @ Happy. On the basis of investigation, a final report was prepared under Section 173 CrPC and was presented against co-accused, Paramjit Singh @ Happy, and the petitioner herein with other co-accused were mentioned in Column No.2. The charges were framed against the co-accused, Paramjit Singh @ Happy on 29.10.2022. It is after the examination of the victim that an application under Section 319 CrPC was moved by the prosecution.

4. I have heard learned counsel for the parties.

5. The petitioner in the present case has been summoned with the aid of Section 319 CrPC. Initially the SIT, which was constituted, had found the petitioner innocent. The present is not a case where the custodial interrogation of the petitioner is required.

6. In view of the above and without commenting on merits of the case, the present petition is allowed. The petitioner is directed to surrender/join the trial before the Trial Court concerned within a period of 10 days from today. On doing so, the Trial Court shall release him on bail on his furnishing bail and surety bonds subject to its satisfaction.

7. It is made clear that that in case the petitioner does not

surrender/join the trial before the Trial Court within a period of 10 days as directed, the present petition shall be deemed to have been dismissed.

8. Disposed off accordingly. Pending applications, if any, also stand disposed off.

06.09.2023
jk

(ALKA SARIN)
JUDGE

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