2023:PHHC:106704

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-17425-2023 (O&M)
Date of decision : 17.08.2023

Sankarsan Sa @ Shankar Lala ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Simranjit Singh, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.132 dated 13.11.2020 under Sections 363, 366-A of the Indian Penal Code, 1860 and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 (Section 376, 506 IPC added alter on) registered at Police Station Doraha, Police District Khanna, District Ludhiana (Annexure P-1).

2. On 13.04.2023 the following order was passed :

> *"Learned counsel for the petitioner has vehemently argued that although the initial FIR was lodged by the father of the prosecutrix under Sections 363 and 366-A of IPC and Sections 3 and 4 of the POCSO Act, however, subsequently, in the statement recorded by the*

YOGESH SHARMA
2023.08.18 10:07
I attest to the accuracy and integrity of this judgment/order.
Punjab and Haryana High Court, Chandigarh

prosecutrix, the only role attributed to the petitioner is that he offered them some sweets. He further submits that nowhere in the entire statement, there is any allegation which could fulfill the ingredients of Sections 376 or 506 of IPC and, hence, the petitioner be granted the concession of anticipatory bail.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, assisted by ASI Sarjangdeep Singh, submits that the petitioner was the one who offered intoxicated ladoos, due to which the prosecutrix lost her senses and, therefore, custody of the petitioner is required.

After hearing learned counsel for the parties, I am of the view that at this stage, the ingredients of Sections 376 and 506 of IPC are not made out against the petitioner.

Accordingly, without commenting upon the merits of the case, the petitioner is directed to join investigation on 25.04.2023 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.

Adjourned to 17.08.2023."

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined investigation and has fully cooperated.

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4. Learned counsel for the State, on instructions from ASI Hakam Singh, has stated that the only role attributed to the petitioner in the present case is that he had offered some sweets to the daughters of the complainant aged 14 and 18. He has further stated that the petitioner has since joined investigation and has fully cooperated and that he is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 13.04.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

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

17.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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

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