

2023:PHHC:073159
THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-25812 of 2023
Date of Decision: 19.05.2023

Shamsher Singh

.... Petitioner

Versus

State of Punjab

.... Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Gagandeep Singh Simble, Advocate
for the petitioner.

SANJEEV PRAKASH SHARMA, J (ORAL)

Prayer in the present petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.177 dated 28.12.2019 registered under Section 376 of IPC and section 3/ 4 of POCSO Act, 2012.

Notice of motion.

Mr.Jaiteshwar S. Bhandari, AAG, Punjab, accepts notice on behalf of respondent-State

It is stated by the counsel for the petitioner that the daughter of the complainant and the petitioner are living together and have also performed the marriage. The allegation of rape and offence under Section 376 of IPC and section 3/ 4 of POCSO Act, 2012 does not seem to be made out.

In view of the above submissions, I am inclined to grant anticipatory bail to the petitioner.

Accordingly, the present petition is allowed and it is directed that in the eventuality of arrest of the petitioners in the instant case, he shall be enlarged on interim bail subject to his furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The petitioner shall join the investigation as and when called upon to do so by the Investigating Agency. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

(SANJEEV PRAKASH SHARMA)
JUDGE

19.05.2023

Raman

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