

2023:PHHC:102601

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(208)

CRM-M-30354-2023
Date of decision:- 08.08.2023

Vishal Sharma

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Rahul Garg, Advocate
for Mr. Naveen Batra, Advocate
for the petitioner.

Mr. Virat Rana, AAG, Punjab.

HARPREET SINGH BRAR, J. (Oral)

Petitioner in the present petition is seeking anticipatory bail in FIR No.0053 dated 02.05.2023 registered under Sections 363/366 and 376 (2) (N), 366 A (added subsequently) IPC and Sections 6 and 17 of Protection of Children from Sexual Offences Act, 2012 at Police Station Anandpur Sahib District Rupnagar (Annexure P-1).

On 19.06.2023, following order was passed by the Co-ordinate Bench of this Court:-

Learned counsel for the petitioner inter alia submits that so far as the substantive offence punishable under Section 376 IPC, there is no allegation against the petitioner.

Notice of Motion for 08.08.2023.

On the asking of the Court, Mr. H.S. Sitta, DAG, Punjab

appears and accepts notice on behalf of the respondent-State.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the arresting officer/Investigating Officer. As and when called, the petitioner shall join the investigation. He shall abide by the conditions enumerated under Section 438(2) of the Cr.P.C.

Learned counsel for the petitioner submits that petitioner is neither named in the FIR nor any role has been attributed to him regarding the offences under Sections 363, 366, 376 (2)(n), 366 A IPC and Sections 6 and 17 of the POCSO Act. It was only co-accused Mohit Kumar, who enticed the prosecutrix on the pretext of marriage. The case of the prosecution against the petitioner is that he is the classmate of Mohit Kumar. As such, learned counsel for the petitioner contends that the petitioner has no connection whatsoever with the relationship of Mohit Kumar and the daughter of the complainant. Even in the statement under Section 164 Cr.P.C. of the daughter of the complainant, no allegations of rape or abduction are made against the petitioner. All the allegations are made only against Mohit Kumar and there is no evidence with regard to complicity of the petitioner in the offence.

Learned State counsel on instructions from ASI Raj Kumar states that pursuant to order dated 19.06.2023, the petitioner joined investigation and his further custodial interrogation is not required.

In view of the statement of learned state counsel, order dated 19.06.2023 is made absolute. The petitioner shall abide by the terms and

conditions enumerated in Section 438(2) Cr.P.C.

Petition stands disposed of in the aforementioned terms.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and trial court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

08.08.2023
Spn

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No