

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

CRM-M-37172-2023

Date of decision: 15.11.2023

BAGGA SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present:- Mr. Yashjot Singh Dhaliwal, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. The petitioner is seeking to quash the order dated 24.07.2023 (Annexure P-14) passed by the Court of Ld. Fast Track Special Court, Hoshiarpur vide which the petitioner has been declared as a proclaimed offender in the case bearing FIR No.79 dated 17.04.2022, under Sections 363, 366-A, 376, 120-B IPC and under Section 4, 6, 16, 17 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Tanda Distt. Hoshiarpur.

2. Short reply by way of affidavit of Kulwant Singh PPS, Deputy Superintendent of Police, Sub-Division Tanda, District Hoshiarpur filed on behalf of respondent and the same is taken on record.

3. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR. The allegations with regard to commission of penetrative sexual assault were attributed against co-accused Babbu Singh. Even the petitioner has not been named by the prosecutrix/victim in the statement under Section 164 Cr.P.C. The challan against Babbu Singh co-

accused was

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presented. The victim had not supported the prosecution version during the course of trial and he has been acquitted by the learned trial Court in terms of the judgment dated 01.04.2023. It has been submitted that the petitioner is ready and willing to surrender in the trial Court within a period of 02 weeks and meanwhile he may be protected.

4. Learned State counsel has submitted that the appropriate directions may be issued to ensure the presence and participation of the petitioner during the course of trial.

5. In view of these facts and circumstances, the petition is disposed of with a direction that the petitioner shall surrender in the trial Court within a period of 02 weeks and shall move an application for Regular Bail. In the event the needful is done within a period of 02 weeks, the arrest of the petitioner may not be effected till the disposal of the bail application and for a period of 02 weeks thereafter, in the event the bail application is dismissed.

15.11.2023
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(VIVEK PURI)
JUDGE

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