

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

217+219

CRM-M-38458-2023 (O&M)

Date of Decision : 20.11.2023

Gurvinder Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. M.S. Tiwana, AAG Punjab.

ALKA SARIN, J. (ORAL)

IOIN-CRM-M-38458-2023

This is an IOIN for correction in the order dated 18.08.2023 passed by this Court wherein inadvertently the next date of hearing has not been mentioned, although on the Mozilla the same was showing as 20.11.2023.

In view of the above, the present IOIN is disposed off and the order dated 18.08.2023 stands corrected and the next date of hearing be read as 20.11.2023.

CRM-M-38458-2023 (O&M)

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.95 dated 10.07.2022 under Sections 363, 366-A, 120-B of the Indian Penal Code, 1860 (IPC) (Sections 465, 468, 471 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 added later on) registered at

Police Station Sadar Jalalabad, District Fazilka.

2. On 18.08.2023 the following order was passed :

“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.95 dated 10.07.2022 under Sections 363, 366-A, 120-B of the Indian Penal Code, 1860 (IPC) (Sections 465, 468, 471 IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012 added later on) registered at Police Station Sadar Jalalabad, District Fazilka.

Learned counsel for the petitioner would contend that the only allegation against the petitioner in the present case is that he had signed as witness on the marriage certificate. The learned counsel would further contend that all the co-accused have since been granted regular bail. It is further contended that there is no wrong act which has been attributed to the petitioner and that Harnam Singh, Maya Bai, Vikas @ Vicky and Sherry have since been found innocent and therefore the entire version as stated by the complainant is a false and concocted story.

Notice of motion.

Mr. M.S. Tiwana,, AAG Punjab accepts notice on behalf of respondent-State of Punjab and seeks some time to get his instructions.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

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

4. Learned counsel for the State, on instructions from ASI Lakhbir Singh, has 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 18.08.2023 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.

20.11.2023

Deepak Patwal

(ALKA SARIN)
JUDGE

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No