

In the High Court of Punjab and Haryana at Chandigarh

201

CRM-M-42663 of 2022

Date of Decision: 5.1.2023

Supinder Singh @ Soni

---Petitioner

versus

State of Punjab

---Respondent

Coram: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: None for the petitioner
Mr. Digvijay Nagpal, AAG, Punjab

JAGMOHAN BANSAL, J. (ORAL)

On 16.09.2022, following order was passed:-

“Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in this case; he has no other criminal antecedents; the petitioner is not named in the FIR; the main allegations are against co-accused Hardeep who is alleged to have entered into the complainant's house and molested her; the allegations against the petitioner emerged for the first time in the statement made by the complainant under Section 164 Cr.P.C. which is an afterthought; even otherwise the allegations against the petitioner that he threatened the complainant are false and in any case vague and unsubstantiated and that the petitioner is also ready and willing to join and cooperate with the investigation.

Notice of motion.

Mr. Navneet Singh, Senior DAG, Punjab accepts notice on behalf of the respondent-State.

For arguments, adjourned to 19.12.2022.

In the meanwhile subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No.0048 dated 25.06.2022 registered under Sections 452 (wrongly mentioned in the FIR as Section 451 IPC), 354 IPC and Sections 8 and 12 of POCSO Act, 2012 (Sections 354-A and 195-A IPC added later on) at Police Station Sadar Rajpura, district Patiala, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned State counsel, on instructions from ASI Kuldeep Singh, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 16.9.2022 is made absolute subject to the conditions envisaged under Section 438 (2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

5.1.2023
paramjit

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