

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

219

CRM-M-43000-2022

Date of Decision: 17.01.2023

Satnam Singh @ Nami

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: None for the petitioner.

Mr. Amish Sharma, Asstt. A.G., Punjab.

JAGMOHAN BANSAL, J. (Oral)

On 19.09.2022, the following order was passed :-

“Instant petition has been filed under Section 438 Cr.P.C. praying for grant of anticipatory bail to the petitioner in case FIR No.138, dated 03.06.2022, under Section 354-A IPC and Sections 9 and 10 of Protection of Children from Sexual Offences Act (Amendment) 2012, 2019, registered at Police Station Guruaharsahai, District Ferozepur, Annexure P-1.

It has been contended by learned counsel for the petitioner that the petitioner and the complainant both are residents of same village and the present FIR has been lodged on account of mis-information to the complainant. He has submitted that the complainant is 33 years of age and he was playing with the child, however, on account of some rivalry in the village at the behest of some relations, a false information was given

about it and hence, he has been implicated in this case. He has submitted that the victim was also got medico legally examined and nothing came out of the same and the allegations were not even substantiated. He further submits that wife of the petitioner was also at home at that time. He has further submitted that the alleged occurrence has taken place on 29.05.2022 whereas the present FIR was lodged on 03.06.2022, i.e. after about five days of the alleged occurrence. He further submits that thereafter the complainant knowing the reality has also realised the mistake and she has given the affidavit also saying that they have no grudge against the petitioner. He further submits that the petitioner has no criminal antecedents and hence, no case for custodial interrogation is made out, however, petitioner is ready to join the investigation and abide by all the terms and conditions of the anticipatory bail if this Court considers his request for granting the same.

Issue notice of motion for 17.01.2023.

On the asking of the Court, Mr.Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State, whereas Mr.Jaswinder Singh Grewal, Advocate puts in appearance on behalf of the complainant and endorses the submissions made by counsel for the petitioner.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following

*conditions as envisaged under Section 438(2)
Cr.P.C.:-*

*“(i) That the petitioner shall make himself
available for interrogation by a police
officer as and when required to do so;
(ii) That the petitioner shall not directly or
indirectly, make any inducement, threat or
promise to any person acquainted with the
facts of the case so as to dissuade him from
disclosing such facts to the Court or to any
police officer;
(iii) That the petitioner shall not leave India
without prior permission of the Court.”
State is directed to file status report on or
before the next date of hearing.”*

Learned State counsel on instructions from ASI Atma Singh submits that petitioner, in compliance of the order of this Court, has joined investigation on 14.10.2022 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 19.09.2022 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**

17.01.2023
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>