

2023:PHHC:158006

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(308)

CRA-S-2544-2023

Date of decision:- 11.12.2023.

Baljeet Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Paras Jagga, Advocate
for Ms. Shruti Bhimwal, Advocate
for the appellant-petitioner.

Mr. Hittan Nehra, Addl. A.G., Punjab.

VIVEK PURI, J. (Oral)

1. On 12.09.2023, following order was passed:-

“1. The appellant has assailed the order dated 11.07.2023 passed by the Court of learned Additional Sessions Judge, Fast Track Special Court (POCSO), Fazilka, vide which, the application for anticipatory bail has been dismissed in the case bearing FIR No.86 dated 14.05.2022 under Section 376 IPC and Section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (for short 'the Act') added later on, registered at Police Station City-1, Abohar.

2. Learned counsel for the appellant contends that at the first instance, the case was registered under Section 376 IPC and in terms of the order dated 19.09.2022 passed in CRM-M-30861-2022, the appellant was granted anticipatory bail. The offence under Section 3 of the Act has been added on

20.05.2023, after lapse of period of almost one year from the date of registration of the FIR. In such circumstance, the bar of Section 18 of the Act may not be attracted in the instant case.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of the respondent-State.

5. Adjourned to 08.12.2023.

6. In the meanwhile, the appellant is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

2. Learned counsel for the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

3. Learned State Counsel on instructions from ASI Ranjit Singh has not disputed the aforesaid factual aspect as asserted by the learned counsel for the petitioner and further contends that the petitioner has joined the investigation and his custodial interrogation is not required.

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4. Considering above the appeal is allowed, and the interim bail granted by this Court vide order dated 12.09.2023 is made absolute.

(VIVEK PURI)
JUDGE

11th December, 2023
spn

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No