

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

CRM-M-47152-2023
Date of decision: 01.12.2023

HARPREET SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Varun Girdhar, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. Status report by way of affidavit of Davinder Kumar, PPS, Deputy Superintendent of Police, Circle Nabha, District Patiala on behalf of the respondent-State has been filed and the same is taken on record.
2. On 19.09.2023, the following order was passed by the Co-ordinate Bench of this Court:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0055 dated 13.8.2023, under Section 354 IPC and Section 8 of the Protection of Children from Sexual Offences Act (Amended) 2012, registered at Police Station Bhadson, District Patiala.

The present FIR has been registered by father of the victim. As per FIR, the complainant is having two daughters, namely Praneet Kaur, aged 14 years and Ashmeet Kaur aged 11 years. The wife of the complainant expired way-back in the year 2019. The complainant and petitioner were good friends and used to visit each other's houses often. Their daughters also used to study in same Government School at Village Jasomajra. On 08.08.2023, when the complainant reached home in evening from work, his daughter/victim, told him that on the last day i.e. 07.8.2023 when he (complainant) went to take bath to the bathroom, the petitioner, who was present in their house, entered in the kitchen, where she

was making bread and molested her by putting his hand on her chest. In this background, the present FIR was registered.

Learned counsel for the petitioner inter alia submits that the FIR in the present case has been registered on the statement of father of the victim. Learned counsel submits that the petitioner was on visiting terms with the father of the victim as they were good friends. It is submitted that however, a political and financial dispute arose between the complainant and the petitioner, which has now been given a criminal colour by the complainant as the elections are up-coming in few months. It is submitted that the allegations made in the FIR are false and fabricated and the petitioner has falsely been implicated in the present incident. He further submits that the alleged incident is of 07.8.2023 and the FIR has been registered after one week i.e. on 13.8.2023, which clearly seems to be an after-thought. However, learned counsel submits that petitioner is ready to join the investigation and undertakes to cooperate in the investigation.

Notice of motion for 01.12.2023.

On asking of the Court, Mr. Jaswinder Singh Arora, DAG, Punjab accepts notice on behalf of respondent-State. He opposes the prayer for grant of anticipatory bail to the petitioner on the ground that serious allegations have been levelled against the petitioner. The victim in the present case is 14 years of age. He submits that as per allegations, when father of the victim had gone to the washroom and the victim was alone in the kitchen, the petitioner molested her by putting his hand on her chest. However, learned State counsel admits that there were visiting terms in between petitioner and complainant. He further seeks time to file detailed status report in the matter.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required ;
- 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/her from disclosing such facts to the Court or to any police officer ;
iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner alongwith the details of pending FIRs, if any, on or before the next date of hearing.”

- 3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions.
- 4. On instructions from ASI Sewak Singh, learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required.
- 5. In view of the aforesaid submissions, the order dated 19.09.2023, granting interim bail to the petitioner is made absolute.
- 6. The petition is allowed.

01.12.2023
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(VIVEK PURI)
JUDGE

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