

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

209

CRM-M-58032-2022

Date of Decision: 20.03.2023

Hardyal Singh @ Dayala

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Mohd. Yousaf, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Sukhwinder Kumar)

JAGMOHAN BANSAL, J. (ORAL)

On 13.12.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in case FIR No.216 dated 07.11.2022, registered for offences under Sections 354-A and 354-B of the Indian Penal Code, 1860, however, later on Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 were deleted vide rapat No.18 dated 08.11.2022, at Police Station City Phagwara, District Kapurthala, Annexure P-1.

Counsel for the petitioner contends that the complainant is the estranged wife of the petitioner. He submits that this was her second marriage after she divorced her first husband. By referring to the Annexures P-1 and P-2, appended with the petition,

counsel submits that the parties are in litigation and FIR, Annexure P-1, has been registered against the petitioner on the basis of false allegations, which stand established from the fact that though the petitioner is alleged to have physically assaulted complainant's daughter (step-daughter of the petitioner), but the allegation is not substantiated from her medical examination.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab accepts notice on behalf of respondent-State.

List on 20.03.2023.

Petitioner is directed to join the investigation on 20.12.2022 at 11.00 A.M. at Police Station City Phagwara, District Kapurthala and cooperate with the Investigating Agency. In the event of arrest, he shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

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

In view of the above facts and circumstances, the petition is allowed and the interim bail granted to the petitioner vide order dated 13.12.2022 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.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

20.03.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>