

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

CRM-M-59658-2022 (O&M)

Date of Decision: 29.08.2023

RAHUL ALIAS RAHUL KUMAR AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Thakur, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

1. Petitioners are seeking anticipatory bail in case bearing FIR No. 03 dated 06.01.2022 under Sections 363, 366-A, 376-DA, 506, 120-B IPC and Section 6 of Protection of Children from Sexual Offences Act, registered at Police Station Chabbewal, District Hoshiarpur.

2. On 07.02.2023, following order was passed by the Co-ordinate Bench:

‘Learned counsel for the petitioners submits that the entire allegation in the FIR is vague and evasive and on suspicion. He further submits that there is an unexplained delay in lodging the FIR and in fact in the statement recorded under Section 164 of Cr.P.C., the victim did not name the petitioner.

Learned State counsel has filed a short reply by way of affidavit of Sh. Daljit Singh, PPS, Deputy Superintendent of Police, SubDivision Garshankar, District Hoshiarpur, along with the FSL report and the opinion of the Doctor, on behalf of the respondent-State, which is taken on record.

After considering the same, the petitioners are directed to join investigation on 10.02.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioners be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and

the petitioners shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 01.05.2023. ”

3. Learned counsel for the petitioners contend that in pursuance of the interim directions issued by this Court, the petitioners have surrendered in the trial Court on 20.02.2023 and have been granted interim bail.

4. Learned State counsel, on instructions from ASI Rajesh Kumar, submits that the petitioners have been found innocent during the course of investigation and have been summoned under Section 319 Cr.P.C. As such, the petitioners are not required for custodial interrogation in the instant case.

5. Keeping in view the fact that the petitioners have surrendered in the trial Court, the order dated 07.02.2023 is made absolute. However, the petitioners are directed to furnish fresh bail bonds to the satisfaction of the trial Court within a period of one month.

6. Disposed of.

29.08.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No