

CRM-M-57910-2023(O&M)

2023:PHHC:149188

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-57910-2023(O&M)

Date of decision: 23.11.2023

RAJWINDER SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Kanwaljeet Singh Brar, Advocate
for the petitioner.

VIVEK PURI, J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No. 210 dated 13.07.2021, under Section 354-A IPC and added later on an offence under POCSO Act, registered at Police Station City Faridkot, District Police Faridkot.
2. Learned counsel for the petitioner contends that the aforesaid FIR was registered at the instance of Gurpreet Singh, the brother-in-law of the petitioner with regard to the commission of offence under Section 354-A IPC. The victim is stated to be the daughter of the complainant, who is aged about 16 years. The offence is bailable and the petitioner was admitted on bail during the course of investigation.
3. Subsequently, the victim has preferred a complaint Annexure P-6 invoking the provisions of Protection of Children from Sexual Offences Act. In terms of order dated 03.10.2023, passed by Court of learned Chief Judicial Magistrate, Faridkot direction was issued to the counsel for the petitioner to produce the petitioner before the Court of Sessions, Faridkot on 30.10.2023.

4. In terms of the order dated 30.10.2023, the Court of Sessions had sent back the matter to the Court of learned Chief Judicial Magistrate, Faridkot with a direction that after causing appearance of the petitioner, commit the case to the Court of Sessions.

5. It has been submitted that till date no separate summoning order has been passed on the complaint that has been instituted by the victim. Even, it is not clear as to which penal provision of Protection of Children from Sexual Offences Act is being invoked against the petitioner. The next date of hearing in the Court of learned Chief Judicial Magistrate, Faridkot is stated to be 01.12.2023. It has been submitted that the petitioner undertakes to surrender before the Court concerned on 01.12.2023 and will move an application for bail. Learned counsel for the petitioner restricts his prayer only to the extent that meanwhile he may be protected.

6. In these set of circumstances, the petition is disposed of with a direction that the petitioner shall surrender before the Court of learned Chief Judicial Magistrate, Faridkot on or before 01.12.2023 and shall move an application for regular bail. It is directed that in the event the needful is done within the prescribed time frame, the arrest of the petitioner may not be effected till the disposal of the bail application and also for a period 15 days, thereafter, in the event the bail application is dismissed.

23.11.2023

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No

(VIVEK PURI)
JUDGE