

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

209

Criminal Misc. No. M-1267 of 2024

Date of decision :-12.02.2024

Joginder Singh @ Juginder Singh

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gurmeet Singh Saini, Advocate
for the petitioner.

Mr. Ishan Kaushal, AAG, Punjab.

Mr. Balraj Singh Sidhu, Advocate
for respondent No.2.

NIDHI GUPTA J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.0178 dated 15.12.2022 (Annexure P-1) under Sections 323, 354-A and 451 IPC, Section 6 of Protection of Children From Sexual Offences Act (Amended 2012, 2019), registered at Police Station Kulgari, District Ferozepur.

On 11.01.2024, co-ordinate Bench of this Court had passed the following order :-

“1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.0178 dated 15.12.2022, registered under Sections 323/354-A/451 IPC, 1860 and Section 6 of Protection of Children from Sexual

Offences Act at Police Station Kulgari, District Ferozepur.

2. *Learned counsel for the petitioner contends that as per the allegations, the victim is aged about 17 years and the petitioner entered her house, gave slap blow, caught hold her arm and manhandled her. There is no allegation with regard to commission of penetrative sexual assault. The penal provision of Section 6 of Protection of Children from Sexual offences Act is not attracted in the instant case. There is a delay of 27 days in lodging the FIR. Furthermore, the dispute has been amicably settled between the parties in terms of the Panchayati compromise dated 14.02.2023 (Annexure P-3).*

3. *Notice of motion.*

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

5. *On a query, learned State counsel submits that in the statement under Section 164 Cr.P.C, there is no allegation with regard to commission of penetrative sexual assault.*

6. *Mr. Balraj Singh Sidhu, Advocate has put in appearance on behalf of respondent No.2 and filed Vakalatnama, which is taken on record. He has not disputed the fact of amicable settlement having been effected between the parties.*

7. *Adjourned to 12.02.2024.*

8. *Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”*

Learned State counsel, on instructions from ASI Jora Singh states that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 11.1.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but are not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

February 12, 2024
Vijay Asija

(**NIDHI GUPTA**)
JUDGE

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