

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

211

**CRM-M-3077 of 2024
DATE OF DECISION :- 04.04.2024**

Anil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Nandan Jindal, Advocate
with Mr. Tushal Sabherwal, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 0193 dated 04.11.2023, registered for offences under Sections 363,354,354-A of the IPC and Section 8 of the POCSO Act, at Police Station Bhawanigarh, District Sangrur.
2. On 20.01.2024, the following order was passed:-

*“Apprehending his arrest in FIR No. 0193 dated 04.11.2023 registered for offences punishable under Sections 363, 354 and 354-A of IPC and Section 8 of POCSO Act, 2012 at Police Station Bhawanigarh, District Sangrur; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.
Inter alia contends that the FIR in question is outcome of a monetary dispute and in this regard, learned counsel has placed reliance upon the statement of complainant-Kamla Devi made on 03.01.2024 before the Id. ASJ, Sangrur (copy whereof has been appended at page 45 of the petition). The petitioner is willing to join investigation as also cooperate therein.
Notice of motion.*

On asking of the Court, Mr. Adhiraj Singh Thind, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 29.02.2024.

The petitioner is directed to appear before the Investigating Officer on 25.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from ASI Chamkaur Singh, has stated that pursuant to the order dated 20.01.2024, the petitioner has joined investigation in terms of the interim order passed by this Court and is no longer required for custodial interrogation. Learned State counsel has further stated that the challan (report under Section 173 of Cr.P.C) also stands filed and even charges stand framed against the petitioner.

4. In view of above, the present petition stands allowed and the interim order dated 20.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.

6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.

7. Needless to say that anything observed herein above shall not

be construed to be an opinion on the merits of the case.

04.04.2024

P.Singh

(SUMEET GOEL)

JUDGE

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