



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

201

CRM-M-6393-2024

Date of Decision: 27.05.2024

Vikas

.... Petitioner

Versus

State of Punjab and others

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rakesh Sobti, Advocate for the petitioner.

Ms. Aakanksha Gupta, AAG, Punjab.

Mr. Anshul Jain, Advocate for respondents No. 2 and 3.

NIDHI GUPTA, J. (ORAL)

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 104 dated 30.07.2023 (Annexure P-1) registered under Sections 365, 342, 328 and 376 read with Section 34 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Shambhu, District Patiala.

On 07.02.2024, when this case was listed for hearing, following order was passed by this Court:-

“Present is first petition under Section 438 Cr.P.C. seeking grant of anticipatory bail to the petitioner in case FIR No.104 dated 30.07.2023 under Sections 365, 342, 328, 376 and 34 IPC and Section 4 of POCSO Act registered at Police Station Shambhu, District Patiala (Annexure P1).

Learned counsel for the petitioner inter alia submits that the petitioner was in a consensual relationship with the victim/respondent No.2 herein, who was aged about 17-and-a-half years old at the time of alleged incident. FIR was registered on the basis of statement of the victim herself



under the signatures of mother of the victim/respondent No.3 herein. It is further submitted that a compromise dated 21.12.2023 (Annexure P2) has been arrived at between the parties. Further, petitioner and respondent No.2 have solemnized marriage on 09.12.2023. Copy of wedding invitation card and marriage certificate dated 09.12.2023 are annexed with the petition as Annexure P5 and P6 respectively.

Notice of motion for 27.05.2024.

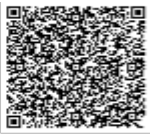
In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, learned State counsel is directed to file fresh affidavit/status report as to the exact role of the petitioner along with the details of pending FIRs, if any, on or before the next date of hearing.”

Learned counsel for the petitioner submits that in compliance of the order dated 07.02.2024, passed by this Court, the petitioner has joined the investigation.

On instructions from ASI Balbir Singh, learned State counsel submits that in terms of the order passed by this Court, reproduced above, the petitioner has joined the investigation; and is co-operating with the investigating agency, and no further interrogation is required, at this stage.



In view of the above, the order dated 07.02.2024 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 is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

27.05.2024
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(NIDHI GUPTA)
JUDGE

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