



206

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-13381-2024 (O&M)
Date of decision: 18.07.2024

Rohit @ Hingi and another

... Petitioners

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashutosh Gupta, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

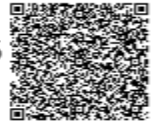
Mr. Mandeep K. Dhot, Advocate
for respondent No.2.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.123 dated 28.12.2023 under Sections 354, 354-A, 509, 511 of IPC and Sections 8, 11 & 18 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Ghanour, District Patiala.
2. On 18.03.2024, the following order was passed:-

“The petitioner is seeking grant of pre-arrest bail in case FIR No.0123 dated 28.12.2023, registered under Sections 354, 354-

2024:PHHC:089845



A, 509 and 511 IPC and Sections 8, 11 and 18 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Ghanour, District Patiala on the basis of statement got recorded by the victim (named withheld) who is 13 years old girl alleging that on 27.12.2023 she and her brother at 08:00 PM had gone to buy grocery items and she had come downstairs of the grocery shop, the petitioners started beating her brother and when she intervened to stop them, then the petitioners started teasing her and forcibly held her and molested her. She attempted to save herself and the petitioners punched her in the stomach and on her raising alarm and reaching of the persons of the vicinity, she and her brother rescued from the clutches of the present petitioners. She also alleged that previously also the petitioners had been harassing her.

It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. No case for commission of offence under Sections 8, 11 and 18 of the Protection of Children from Sexual Offences Act, 2012 has been made out against the petitioners for which they have been booked for. He further argued that the custody of the petitioners is not required for their custodial interrogation and the petitioners are ready to join investigation and to cooperate with the investigation process.

Notice of motion.

Ms. Ruchika Sabherwal, learned Sr. DAG, Punjab, who has advance notice of the petition submits, as per the instructions received by her, that the petitioners tried to molest the victim and had also sexually harassed her and she seeks time to file status report in the present case.

At this stage, on the oral request of learned counsel for the petitioner, victim is ordered to be impleaded as respondent No.2 through her mother/father who are natural guardians. Amended memo of parties be also filed today itself.

Notice to respondent No.2 be issued for 06.05.2024 on filing of process fee etc.

Meanwhile, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when required thereafter. In the event of



their arrest, the Investigating/Arresting Officer shall release the petitioners on interim bail subject to furnishing personal bond/surety bond to his/her satisfaction. The petitioner shall also abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Learned State counsel, on instructions from SI Baljinder Singh, at the very outset, informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.
4. Learned counsel for respondent No.2 vehemently opposes the prayer for grant of anticipatory bail to the petitioners on the ground that there are serious and specific allegations against them.
5. In view of the statement of learned State counsel, order dated 18.03.2024 is hereby made absolute. The petitioners will abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.
6. The petition stands disposed of.

18.07.2024
vishnu

[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No