



Sr. No.204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-15478-2022
Date of decision: 13th August 2024

MANPREET SINGHPetitioner

versus

STATE OF PUNJABRespondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Atul Goyal, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab,
assisted by HC Amrik Singh.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973, for grant of anticipatory bail to the petitioner in case FIR No.82 dated 01.09.2021, under Sections 363, 366 IPC, 1860, registered at Police Station Maloud, Police District Khanna, Ludhiana (Annexure P-1).
2. On 10.05.2022, following order was passed:-

“xxx xxx xxx xxx

Instant petition has been filed under Section 438 Cr.P.C., seeking grant of anticipatory bail to the petitioner in case FIR No.82 dated 01.09.2021 registered under Sections 363, 366 of Indian Penal Code, 1860 at Police Station Maloud, District Khanna (Annexure P-1).

Notice of motion.

On asking of the Court, Mr. Amandeep Singh Gill, Sr. DAG, Punjab, accepts notice on behalf of the respondent-State. Upon instructions received from ASI Surjeet Singh, State counsel submits that in the statement recorded under Section 164 Cr.P.C, the minor prosecutrix has given statement in favour of the petitioner and had initially declined her medical examination. Subsequently, on the insistence of Child Welfare Committee, her medical



was conducted and the minor prosecutrix was found to be pregnant. State counsel seeks and is granted time to file status report.

List on 13.09.2022.

In the meanwhile, arrest of the petitioner shall remain stayed till the next date.”

3. Thereafter, the learned State counsel had filed status report dated 29.01.2024, by way of affidavit of Sh. Nikhil Garg, PPS, Deputy Superintendent of Police, Sub-Division Payal, Police District Khanna, District Ludhiana, on behalf of respondent-State of Punjab along with a copy of Ultrasound Report dated 17.03.2023 (Annexure R-2) and further submitted that there was no evidence of any intra-uterine pregnancy. The following observations were made:-

“xxx xxx xxx xxx

5. *That the 1st test of USG of the victim Jashandeep Kaur was conducted on 17-02-2022, at Civil Hospital Ludhiana, however report of the same was not fine. Thereafter on 17-03-2022 the USG test of victim Jashandeep Kaur was again conducted as per which, no evidence of any intra-uterine/extrauterine/G-sac/Pregnancy seen at the time of examination. It is therefore submitted that the victim was not pregnant at that time. Copy of the USG test dated 17-03-2022 is Annexure R-2.*

xxx xxx xxx xxx”

4. It was also reported in the status report that final report under Section 173 Cr.P.C. has already been presented before the trial Court under Sections 363, 366, 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

5. As per the order dated 28.05.2024, the petitioner was directed to join the investigation.

6. Learned counsel for the petitioner contends that the prosecutrix has not



Cr.P.C. The petitioner has already joined investigation and he is ready to face the trial.

7. Today, the learned State counsel has submitted that the petitioner has joined the investigation in compliance of the aforesaid order dated 28.05.2024 and also contends that his further custodial interrogation is not required. He further submits that challan has already been presented before the trial Court.

8. Learned State counsel has also filed status report dated 12.08.2024, by way of affidavit of Sh. Nikhil Garg, PPS, Deputy Superintendent of Police, Sub-Division Payal, Police District Khanna, District Ludhiana, on behalf of respondent-State of Punjab, along with a copy of the statement of the prosecutrix recorded under Section 164 Cr.P.C. (Annexure R1/T), which are taken on record.

The said statement reads as under:-

"I want to record my statement today. This FIR has been falsely registered. I was beaten by my family members and forcibly thrown out of the house. This FIR was filed to frame Manpreet Singh. On 31.08.2021, I went to my aunt's place in Khanna. She did not help me either. Then I went to Delhi. I called my uncle's son, but he did not listen to me. Then I called my father, who also did not listen to me. After that, I called Manpreet Singh, who did not listen to me. Later, I called Manpreet Singh's brother Amit, who did not listen to me either. Then I called the S.H.O Maloudh, who did not help me. I also called the 100 number. Then I stayed at Bangla Sahib. After that, I stayed at Hazur Sahib for two months. Then I returned to Bangla Sahib. The sewadars at Bangla Sahib were asking for my proof. Now, on 13.02.22, I have returned from Delhi. I arrived in Ludhiana at 5:00 AM and then went to Payal, and again to Ludhiana court. The lawyer presented me in Payal court. My father wrongly associated my name with my uncle's son."

9. In view of the aforesaid circumstances and keeping in view the fact that the petitioner has joined investigation and his further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 28.05.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.



10. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

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

12. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

13th August 2024
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>