

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CRM-M-16070-2023

Date of Decision: 05.03.2024

Jasvir Singh and others

.... Petitioners

Versus

State of Punjab

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Harmanpreet Kaur (Simmi), Advocate
for the petitioners.

Mr. S.S. Chahal, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

Status report dated 03.03.2024, filed by way of affidavit of Sh. Butta Singh, Deputy Superintendent of Police, Sub-Division Ghanaur, District Patiala, is taken on record. A copy thereof, has been supplied to learned counsel for the petitioners.

The petitioner has filed the present 1st petition under Section 438 Cr.P.C. seeking anticipatory bail in case FIR No. 113 dated 13.10.2020 (Annexure P-1) registered under Sections 354, 451, 323, 148 and 149 IPC and Section 12 of the Protection of Children from Sexual Offences Act, 2012, at Police Station Kheri Gandian, District Patiala.

When this case was listed for hearing on 29.03.2023 before a co-ordinate Bench of this Court, the petitioners were directed to join the investigation and following order was passed:

“Through instant petition under Section 438 of Code of Criminal Procedure, 1973, the petitioners are seeking anticipatory bail in FIR No.113 dated 13.10.2020, under Sections 354, 451, 323, 148 and 149 of IPC and Section 12 of POCSO Act, registered at Police Station, Kheri Gandian, District Patiala.

Learned counsel for the petitioners inter alia contends that it is a case of FIR and cross FIR. Both the parties have entered into compromise and have filed petitions bearing No. CRM-M-44112 of 2020 and CRM-M-44067 of 2020 before this Court seeking quashing of FIRs on the basis of compromise which are pending for 11.07.2023. The trial court had granted concession of anticipatory bail to three accused(s) and dismissed bail application of remaining three accused(s). The petitioners are unable to tender their statements before the trial court on account of dismissal of their bail application.

Notice of motion.

On the asking of Court, Mr. Amish Sharma, AAG, Punjab, who is present in court on advance notice, accepts notice on behalf of State-respondent.

Adjourned to 11.07.2023.

In the meantime, the investigating officer shall refrain from taking coercive steps against the petitioners.”

Learned counsel for the petitioner submits that in compliance of the order dated 03.08.2023 passed by this Court wherein the petitioners were directed to join investigation, the petitioners joined the investigation on 07.11.2023 as is evident from para No. 07 of the status report dated 03.03.2024, filed by way of affidavit of Sh. Butta Singh, Deputy Superintendent of Police, Sub-Division Ghanaur, District Patiala.

Learned State counsel, on instructions from ASI Jaswinder Pal, states that in terms of the order dated 03.08.2023 passed by this Court, the petitioners joined the investigation on 07.11.2023 and are co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 29.03.2023 is made absolute and in the event of arrest of the petitioners, they shall be released

on bail on their 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 petitioners shall make themselves available for interrogation before the Investigating Officer as and when required;*
- ii) *that the petitioners 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 petitioners shall not leave the country, without prior permission of the Court and shall surrender their passports, if any.*

However, the petitioners shall abide by the conditions stipulated under Section 438(2) Cr.P.C. They shall also join the investigation and cooperate with the investigating agency in case they are 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 petitioners are 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.

05.03.2024
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(NIDHI GUPTA)
JUDGE

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