

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

220-2

CRM-M-16948-2024
Date of decision: 23.04.2024

PARKASH SINGH

...PETITIONER

V/s

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rishu Mahajan, Advocate
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J.

Status report dated 22.04.2024 in the form of an affidavit of Kulbhushan (PPS) Assistant Commissioner of Police West, Jalandhar has been filed on behalf of respondent-State. The same be taken on record.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.30 dated 14.03.2023, registered for the offences punishable under Sections 376(3), 328, 120-B of IPC and Section 6 of POCSO Act and Section 75 of Juvenile Justice Act, 2015 at Police Station Basti Bawa Khel, Jalandhar.

2. On 08.04.2024, the following order was passed:-

*“Apprehending his arrest in FIR No.30 dated 14.03.2023 registered for offences punishable under Sections 376(3)/328/120-B of IPC and Section 6 of POCSO Act and Section 75 of Juvenile Justice Act, 2015 at Police Station Basti Bawa Khel, District Jalandhar; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.
Inter alia contends that the complainant in the instant FIR is directly/indirectly involved in multiple FIRs including FIR No.185 dated 01.12.2019, under Sections 376, 506 and 34 IPC registered at*

Police Station Satnampura, District Kapurthala (Annexure P-2) and FIR No.41 dated 19.04.2023, under Sections 388, 506 and 120-B of IPC and Sections 3, 4 and 5 of Immoral Traffic (Prevention) Act, 1956, registered at Police Station Basti Bawa Khel, District Police Commissionerate Jalandhar (Annexure P-3); a complaint has also been made by the husband of the present complainant regarding her being involved in honey trapping/blackmailing & petitioner is willing to join investigation and 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 23.04.2024.

The petitioner is directed to appear before the Investigating Officer on 10.04.2024 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 SI Ajmer Singh, has stated that pursuant to the order dated 08.04.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition is allowed and interim order dated 08.04.2024 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.
- 8. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

April 23, 2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No