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209 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-23328-2023 (O&M)

DATE OF DECISION : 21.05.2024

AMARDEEP SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Ashit Malik, Advocate for
Mr. Arpan Sabharwal, Advocate for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

* * * *

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 117 dated 23.06.2022, registered under Section 354 of the Indian Penal Code, 1860 and Section 12 of POCSO Act, at Police Station Basti Bawa Khel, Jalandhar, Punjab (Annexure P-1).

2. On 09.05.2023 following order was passed by the Co-Ordinate Bench of this Court.:

“xxxx Learned counsel for the petitioner submits that the entire story is concocted and no such incident had taken place. He further submits that, in fact, the petitioner as well as the parents of the victim are neighbours and are in the same business of selling vegetables and are small vendors. Since, they operate in the same area; there was a petty issue among themselves, which was resolved by the intervention of the other neighbours. However, the parents of the girl only to settle the scores and keeping the grudge, have filed this kind of FIR.

Notice of motion.



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Mr. Arun Gupta, AAG, Punjab, accepts notice on behalf of respondent-State.

Learned State counsel submits that the only thing which raises doubt is that the girl on her own accord immediately called upon the mother and informed the incident and there was no reason for her to take such an action rather this shows the courage of the young girl who has reported the matter to the mother.

Per contra, learned counsel for the petitioner submits that there is a delay of one day in filing the FIR and in case, such kind of thing happened, the FIR would have been lodged immediately.

Without commenting upon the merits of the case, the petitioner is directed to join investigation on 16.05.2023 at 10:00 A.M. before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 10.08.2023.

However, it is made clear that this interim arrangement shall not be a ground to decide the petition finally, which shall be done after hearing the State and the complainant. ”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order passed by the Co-Ordinate Bench of this Court.

4. Learned State counsel, on instructions from ASI Gurnam Singh, has also confirmed that the petitioner has joined investigation. Challan has been presented and charges have been framed. State counsel further informs that custodial interrogation of the petitioner is not required.

5. As per the office report, respondent No.2-complainant was served through wife but none appeared on his behalf.

6. In view of the aforesaid facts and the reasons recorded in the order dated 09.05.2023 and keeping in view the fact that the petitioner has



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joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 09.05.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

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

21.05.2024
Janki

(HARPREET KAUR JEEWAN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No