



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

102

CRM-M-30463 of 2024

DATE OF DECISION :- 10.09.2024

Gulshan @ Gulchaman Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Ms. Amarjit Kaur Khurana, Advocate for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

Mr. Rishu Mahajan, Advocate for respondent No. 2.

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. read with Section 482 Cr.P.C for grant of anticipatory bail to the petitioner in FIR No. 296 dated 15.09.2023, registered for offences under Sections 376 and 120-B IPC and Section 4 (subsequently Section 6 was added and Section 4 was deleted) of POCSO Act, at Police Station B Division, Amritsar City.

2. On 19.07.2024, the following order was passed:-

“Inter alia contends that the petitioner has been falsely implicated in the FIR in question; the name of the petitioner did not surface in the FIR but he is sought to be nominated as an accused by way of Rapat No.26 dated 13.11.2023 for which no TIP was carried out by the police & the petitioner is willing to join investigation and cooperate therein.

Adjourned to 05.08.2024.

The petitioner is directed to appear before the Investigating Officer on 24.07.2024 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.

Investigating Officer to remain present with case diary on the next date of hearing.”

Thereafter on 29.08.2024, the following order was passed :-

“Mr. Rishu Mahajan, Advocate has appeared and filed memorandum of appearance on behalf of complainant/respondent No.2. The same is taken on record.

Learned State counsel (on instructions from ASI Hardev Singh) submits that the petitioner has joined investigation and is not required for custodial interrogation except for finding out the whereabouts of co-accused Jassi Nahar @ Lakshmi.

Learned counsel for the complainant/respondent No.2 seeks and is permitted time to file response in the matter.

Put up on 03.09.2024.

Interim order to continue.”

3. Learned State counsel, on instructions from ASI Hardev Singh has stated that pursuant to the order dated 19.07.2024, the petitioner has joined investigation and is no longer required for custodial interrogation except for finding out the whereabouts of the co-accused Jassi Nahar @ Lakshmi.

4. Learned counsel for the complainant has filed a reply on behalf of respondent No. 2/complainant and has made submissions in the said reply.

5. Keeping in view the entirety of facts and circumstances of the case especially that the petitioner has joined the investigation and is required for custodial interrogation only for finding whereabouts of co-accused Jassi Nahar @ Lakshmi, the present petition stands allowed and the interim order



dated 19.07.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. 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.

7. 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.

8. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

10.09.2024
P.Singh

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