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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30845-2024

Date of decision: 01.08.2024

Kohinoor Singh

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Joginder Pal Devgan, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Ankush Rampal, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in case bearing FIR No.0043 dated 03.05.2024 under Section 376 of IPC and Sections 4/6 of POCSO Act, registered at Police Station Phase 11 District SAS Nagar, Punjab.

On 01.07.2024, the following order was passed:-

'The instant petition is preferred under Section 438 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C. '), seeking anticipatory bail in FIR No.0043 dated 03.05.2024 under Section 376 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 4 & 6 of the Protection of Children from Sexual Offences Act (Amended), 2012, 2019, registered at Police Station Phase 11, District SAS Nagar, Punjab.

Learned counsel for the petitioner, inter alia, contends that the alleged occurrence took place in the year 2019, whereas the FIR (supra) has been registered after unexplained and inordinate delay of more than 05 years. Even the case set up by the prosecution that the petitioner has exploited the prosecutrix on the pretext of marriage, is highly improbable, as in the year 2019, she was only 12 years of age.

Notice of motion.

On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of the respondent-State and Mr. Ankush Ram Pal, Advocate accepts notice on behalf of the complainant and files his Vakalatnama, which is taken on record.

Learned counsel for the complainant submits that he has no objection in case the petitioner is granted the concession of



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anticipatory bail, as the parties have amicably settled their dispute.

Adjourned to 01.08.2024.

*Keeping in view the ratio of law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC 273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021) 2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51, Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565**, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and the petitioner shall co-operate in the investigation.*

If the arresting officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from ASI Balraj Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 01.07.2024 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 438(2) Cr.P.C.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

01.08.2024

Neha

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