



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

210

CRM-M-32657-2024 (O&M)
Date of Decision: 03.09.2024

JATINDER SINGH ALIAS KALA

...Petitioner

Versus

STATE OF PUNJAB AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Ms. B.K. Bhangu, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN , J.

1. The instant first petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.0026 dated 17.02.2024, under Sections 363, 366-A IPC, 1860, registered at Police Station Kotwali Kapurthala, District Kapurthala.
2. On 11.07.2024, this Court passed the following order and directed the petitioner to join the investigation:

1. The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 0026, dated, 17.02.2024, registered at Police Station Kotwali, District Kapurthala, under Sections 363 and 366-A of the IPC.
2. Learned counsel for the petitioner inter alia contends that now the victim is major, though she was 17 years and 10 months of age at the time of the alleged occurrence. The FIR was registered on the basis of the statement of the complainant, who is the mother of the victim-respondent No. 2. The matter stands compromised and a quashing petition on the basis of a compromise has also been filed by the parties, in which notice of motion has also been issued by the co-ordinate Bench of this Court, vide order dated 02.04.2024, passed in



CRM-M-15903-2024 (Annexure P-4). The petitioner is ready to join the investigation.

3. Notice of motion.

4. On advance notice, Ms. Himani Arora, A.A.G., Punjab, appears on behalf of respondent No. 1-State and upon instructions from ASI Sukhwinder Singh, has informed that the statement of the prosecutrix was recorded under Section 164 Cr.P.C. in which she has not supported the prosecution version. She further submits that even the prosecutrix had also refused for her medical examination. She seeks time to file reply.

5. Adjourned to 03.09.2024.

6. In the meanwhile, in the event of arrest of the petitioner, he shall be released on interim bail, on his furnishing bail bonds and surety bonds to the satisfaction of the arresting officer/Area Magistrate and also subject to the following conditions:-

(i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.

(ii) That the petitioner 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 from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.'

3. Learned counsel for respondent No.2 submits that respondent No.2 has no objection, in case the present petition is allowed.

4. Learned State counsel on instructions from ASI Rajinder Kumar has informed that the petitioner has joined the investigation in terms of the order dated 11.07.2024 passed by this Court and his further custodial interrogation is not required.

5. In view of the aforesaid facts and the reasons recorded in the order dated 11.07.2024 and keeping in view the fact that the petitioner has joined the investigation; his further custodial interrogation is not required and the allegations and counter-allegations between the petitioner and the complainant are matter of trial, the present petition is allowed and the order dated 11.07.2024, granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

6. It is made clear that nothing expressed hereinabove would be

construed to be an expression of opinion on merits of the case.

7. All the pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

03.09.2024
P.Bhatt

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