



102

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

CRM-M-35843-2024

Date of decision: 29.07.2024

Gurbaksh Singh @ Vishal Singh @ Dinga

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Deepak Arora, Advocate
for the petitioner.

Mr. Subhash Godara, Addl.A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This second petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail in case bearing FIR No.53 dated 14.06.2022 under Sections 354-A/354-D/506/457/509 of IPC and Section 12 of POCSO Act, registered at Police Station Sekhwan, District Batala (Annexure P-1). The first bail application was dismissed as withdrawn on 17.07.2024 with liberty to file fresh petition with better particulars.

The FIR (*supra*) was lodged on the statement of the complainant by alleging that on 06.06.2022 at about 04:30/05:00 A.M., Ravidas Singh @ Ravi came to the roof of the house of the complainant and called her daughter/prosecutrix on the roof, who was sleeping in the courtyard. It is further alleged that Ravidas Singh @ Ravi and the present petitioner, both used to harass the daughter of the complainant and when she went to school, they have committed obscene acts with her and also threatened her that in case, she would disclose all this, they would kill her and thus, the instant FIR got registered.

Learned counsel for the petitioner *inter alia* contends that the petitioner was minor at the time of incident and he was present in Mumbai on

**CRM-M-35843-2024****-2-**

the date of incident. As such, on the basis of *alibi*, the Investigating Agency at the time of furnishing of report under Section 173 Cr.P.C. has declared the petitioner as innocent and subsequently, the petitioner has been summoned by the learned trial Court by invoking power under Section 319 Cr.P.C. It is further contended that nothing is required to be recovered and custodial interrogation of the petitioner is not required as he has only been summoned as an additional accused under Section 319 Cr.P.C. Moreover, the maximum sentence under the offences in which the FIR is lodged is punishable upto five years. He further submits that the petitioner himself has come forward to join the trial proceedings and undertakes to appear on each and every date before the learned trial Court and also would not hamper the trial in any manner.

Notice of motion.

Mr. Subhash Godara, Addl.A.G., Punjab puts in appearance and accepts notice on behalf of the respondent-State.

Having heard learned counsel for the parties, the present petition is disposed of and the petitioner is directed to surrender before the learned trial Court within a period of two weeks and on doing so, he shall be admitted to bail and abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.

(HARPREET SINGH BRAR)
JUDGE

29.07.2024*Neha*

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