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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36543-2024 (O&M)

Date of decision: 29.08.2024

Krishan Singh

....Petitioner

Versus

State of Punjab

...Respondent

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

Mr. Sandeep Kumar, DAG, Punjab.

Mr. Arshit Goel, Advocate
for the complainant.**HARPREET SINGH BRAR, J. (ORAL)**

The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in
case bearing FIR No.0052 dated 07.07.2024 under Sections 74/75/76/351 of
Bharatiya Nagarik Suraksha Sanhita, 2023 registered at Police Station Sanour,
District Patiala.

On 31.07.2024, the following order was passed:-

*'The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail
to the petitioner in case bearing FIR No.0052 dated 07.07.2024 under
Sections 74/75/76/351 of Bharatiya Nagarik Suraksha Sanhita, 2023
registered at Police Station Sanour, District Patiala.*

*Learned counsel for the petitioner inter alia contends that
there is no specific date and time as to when and where the
complainant/prosecutrix was touched inappropriately by the
petitioner. The petitioner is the elected Sarpanch of the Village and he
has been falsely implicated in the present case due to party friction in
the village. Moreover, maximum sentence for the offences under
which the FIR is registered is punishable upto seven years. He further
submits that no notice under Section 35 (3) of Bharatiya Nagarik
Suraksha Sanhita, 2023 has been issued to the petitioner.*

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G.,



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Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

Mr. Arshit Goel, Advocate puts in appearance on behalf of the complainant and files his power of attorney which is taken on record. He further vehemently opposes the prayer made by counsel for the petitioner on the ground that specific allegations have been levelled against the petitioner and the petitioner being Sarpanch of the village, has misused his position and sought sexual favours.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.

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

Adjourned to 29.08.2024.

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. '

Learned State counsel on instructions from ASI Surjan 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 31.07.2024 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

29.08.2024

Neha

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