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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39791-2023 (O&M)

DATE OF DECISION : 08.04.2024

LUKESH SINGH @ KANNU

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.S.Madaan, Advocate for the petitioner.

Mr. Adesh Pal Singh, A.A.G., Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case bearing FIR No. 67 dated 04.07.2023 under Sections 376, 506, 509 IPC and Section 6 of Protection of Children from Sexual Offences Act, registered at Police Station Sadar, District Pathankot.

2. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order dated 16.08.2023 passed by this Court. He further submits that he has furnished the bail bonds to the Juvenile Justice Board as subsequently, he was declared Juvenile.

3. Learned State counsel has confirmed the aforesaid contentions raised by learned counsel for the petitioner.

4. On 16.08.2023, the petitioner was granted interim bail by recording the following reasons:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory/pre-arrest bail to the petitioner in case FIR No. 67 dated 04.07.2023 registered under Sections 376, 506 and 509 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sadar, District Pathankot.

Briefly, the aforesaid FIR was registered on the basis of a written complaint moved by respondent No. 2-complainant/victim on the allegations that the petitioner has made physical relations with her on the false pretext of marriage, but later on, he refused to marry her. The petitioner also threatened the complainant/victim to kill her.

Learned counsel for the petitioner, inter alia, contends that petitioner has falsely been implicated in the instant case. It is submitted that in the present case, at the time of alleged incident; in fact, the complainant/victim was major and the petitioner was minor. The allegations levelled in the FIR are vague, inasmuch as, no date has been mentioned therein. It is further stated that the complainant/victim in her statement recorded under Section 164 Cr.P.C., has categorically stated that ‘no wrong has been committed against her’. Learned counsel for the petitioner also submits that now, the matter has been compromised between the parties vide compromise deed 20.07.2023 (Annexure P-3). Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion for 19.12.2023.

On the asking of Court, Mr. Kunwarbir Singh, AAG, Punjab, accepts notice on behalf of the respondent No. 1-State and seeks time to file detailed status report in the matter.

However, learned counsel for the State fairly admits the fact that the complainant/victim in her statement recorded under Section 164 Cr.P.C., has categorically stated that ‘no wrong has been committed against her’.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency, subject to the following conditions as envisaged under Section 438(2) Cr.P.C.:-

i) that the petitioner shall make himself available for interrogation before the Investigating 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/her from disclosing such facts to the Court or to any police officer;

iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

In the meanwhile, learned counsel for the State is directed to file detailed status report in the matter.”

5. On 19.12.2023 following order was passed:-

“A status report, dated 18.12.2023, by way of an affidavit of Sh. Sukhjinder Pal Singh, PPS, Deputy Superintendent of Police, SubDivision Rural, District Pathankot, has been filed in Court today by learned State counsel. The same is taken on record.

Counsel for the petitioner submits that pursuant to the previous order, the petitioner has furnished the bail bonds before the Juvenile Justice Board as subsequently, he was declared juvenile.

Mr. S.K. Chaudhary, Advocate, appears on behalf of respondent No. 2 and has filed his power of attorney in Court today. The same is taken on record.

Counsel for respondent No. 2 prays for an adjournment to file some documents.

Adjourned to 04.03.2024.

Interim order to continue till the next date of hearing.”

6. In view of the aforesaid circumstances and in view of the reasons recorded in the interim order dated 16.08.2023 and 19.12.2023, the present petition is allowed and the order dated 16.08.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

08.04.2024

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**(HARPREET KAUR JEEWAN)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No