



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-38860-2024 (O&M)

Date of Decision: 18.11.2024

Naresh Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Kuldip Singh, Advocate for the petitioner.

Ms. Guramrit Kaur, DAG, Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.253 dated 23.12.2023 (Annexure P-1) under Sections 307, 354-D, 323 and 324 IPC (Section 34 IPC deleted and Sections 11 & 12 of POCSO Act added later on vide DDR No.25 dated 20.3.2024), registered at Police Station Sultanpur Lodhi, District Kapurthala.

On 09.08.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.253 dated 23.12.2023 (Annexure P-1) under Sections 307, 354-D, 323 and 324 IPC (Section 34 IPC deleted and Sections 11 & 12 of POCSO Act added later on vide DDR No.25 dated 20.3.2024), registered at Police Station Sultanpur Lodhi, District Kapurthala.



Learned counsel for the petitioner submits that in the same very FIR the petitioner has been previously granted interim protection by this Court vide order dated 14.2.2024 (Annexure P-3) passed by this Court in CRM-M-7944-2024. The petitioner had approached this Court for grant of anticipatory bail by way of CRM-M-7944-2024, however, in the interregnum Section 34 IPC was deleted and Sections 11 & 12 of POCSO Act were added vide DDR No.25 dated 20.3.2024. Because of the said reason, the petitioner had withdrawn the said petition on 25.7.2024 (Annexure P-4) with liberty to file fresh one with better particulars. It is on this count the petitioner has again approached this Court.

Learned counsel for the petitioner, inter alia, submits that the allegations made in the FIR against the petitioner are false and fabricated. It is submitted that the only allegation levelled against the petitioner is that he gave a danda blow on the finger of left hand of the complainant; whereas the allegation against the co-accused is that he gave a datar blow on the left side of the head of the complainant.

Notice of motion.

On asking of the Court, Ms. Guramrit Kaur, DAG, Punjab accepts notice on behalf of respondent-State and on instructions from ASI Daljit Singh informs that the victim in the present case is only 15 years and 07 months of age. The FIR has been registered on the basis of statement of paternal uncle/chacha of the victim. It is submitted that after grant of interim protection by this Court on 14.2.2024 (Annexure P-3) the petitioner has not joined the investigation.

However, learned counsel for the petitioner reiterates that the petitioner will join the investigation and co-operate with the Investigating Agency.

However, learned counsel for the State seeks time to file reply in the matter.

Adjourned to 18.11.2024.



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 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.*

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner along with details of pending FIRs, if any, on or before the next date of hearing.”

Learned counsel for the petitioner submits that in compliance of the order dated 09.08.2024 passed by this Court, the petitioner has joined investigation on 23.08.2024.

Learned counsel for the State, on instructions from ASI Baldev Singh, submits that the petitioner has joined investigation on 23.08.2024 and is co-operating with the investigating agency, and no further interrogation is required, at this stage.

In view of the above, the order dated 09.08.2024 granting interim bail to the petitioner is made absolute.



However, the petitioner will abide by the conditions stipulated under Section 438(2) Cr.P.C. He will also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application, if any, stands disposed of.

18.11.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No