

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

209

CRM-M-50915-2023 (O&M)

Date of decision: 02.04.2024

Sukhpreet Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Hitesh Chopra, Advocate
for the petitioner.

Mr. Satjot Singh, AAG, Punjab.

Mr. Vipin Mahajan, Advocate
for the complainant.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No. 77, dated 23.08.2023, under Sections 341, 354-A, 354-D of IPC and Sections 8 and 10 of the POCSO Act, 2012 at Police Station Sekhwan, District Gurdaspur.

2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR was registered on the statement of complainant 'K' (*name withheld*) alleging therein that the petitioner used to stalk her and harass her. He also used to make obscene overtures towards her. On 12.08.2023, while she was coming back from her school to her house, the petitioner had stopped her, caught hold of her and committed obscene acts with her and only then, she disclosed about the acts of

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the petitioner to her parents. After registration of FIR, her statement under Section 164 of Cr.P.C. was recorded. The petitioner has joined investigation in pursuance of order dated 09.10.2023, passed by this Court and presently, the investigation has completed, challan has been presented and charges have been framed and the victim has been partly examined.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. There is unexplained delay in reporting the matter to the police. In the FIR, the victim had disclosed the date of incident as '12.08.2023', which being a second Saturday was a holiday and it was only in her supplementary statement as recorded on 12.09.2023, i.e. the date after the application for grant of anticipatory bail had been moved by the petitioner before the Court of learned Additional Sessions Judge on 06.09.2023, that she disclosed that the incident had taken place on 11.08.2023 and not on 12.08.2023. It is also submitted that the FIR has been lodged against the petitioner due to previous enmity between the families of the victim and the petitioner. The petitioner has not misused the concession interim bail granted to him so far and is ready to abide by the terms and conditions of bail. Hence, it is argued that the present petition deserves to be allowed.

4. Status report has been filed by the respondent-State, as per which, the victim had recorded supplementary statement on 12.09.2023 submitting that the date of incident was in fact 11.08.2023. Learned State counsel, assisted by learned counsel for the complainant, has argued that there are serious allegations against the petitioner. Hence, it is argued that the present petition is liable to be dismissed.

5. I have heard learned counsel for the parties and have also perused the material placed on record.
6. The petitioner has already joined investigation in pursuance of order dated 09.10.2023 passed by this Court and even trial has commenced. It is also revealed that the statement of the victim has also been recorded in chief. There is nothing on record to suggest that the petitioner may intimidate the victim or any other witness. His custodial interrogation is not required. The investigation has already been completed. Keeping in view the aforesaid facts and circumstances, I am of the considered opinion that the present petition deserves to be allowed.
7. Accordingly, without commenting on the merits of the case, the present petition is allowed and the order dated 09.10.2023, granting interim bail to the petitioner, is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

02.04.2024

(MANISHA BATRA)

Waseem Ansari

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No