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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CRM-M-51744-2023 (O&M)  
Date of Decision: 15.01.2024

BHUPINDER SINGH  
Vs.  
STATE OF PUNJAB AND ANOTHER

.. Petitioner  
  
..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Nitin Sachdeva, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG, Punjab.

Mr. Mr. Ashish Aggarwal, Advocate  
for respondent No.2-complainant.

...

SUMEET GOEL, J. (Oral)

1. On 12.10.2023, the following order was passed:-

*“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 (CrPC) for grant of anticipatory bail to the petitioner in FIR No.285 dated 26.10.2021 under Sections 363, 366 of the Indian Penal Code, 1860 (IPC) (later on added Sections 376, 323, 344, 506, 120-B IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 on filing of Challan dated 31.08.2023) registered at Police Station Division B, District: Police Commissionerate Amritsar.*

*Learned counsel for the petitioner would contend that the petitioner has been shown in Column No.2 in the Challan presented under Section 173 CrPC. However, towards the end of the challan it has been stated that supplementary challan would be presented on the arrest of the present petitioner. The learned counsel would further contend that there is no allegation against the petitioner in the entire challan.*

*Notice of motion.*

*Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent No.1-State of Punjab. Learned counsel for the State, on instructions from ASI-Dharam Pal, states that the petitioner would not be required in the present case as there is no allegation against him in the challan and that he does not oppose grant of anticipatory bail to the petitioner.*

*Let notice be issued to respondent No.2 returnable 10.01.2024.*

*Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”*

2.           Learned State counsel on instructions from SI Rajwant Kaur has stated that pursuant to the order dated 12.10.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.
3.           In view of above, the interim order dated 12.10.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
4.           This order should not be treated as “blanket” order. It will not be interpreted as granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5.           Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
6.           Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

15.01.2024

Jasmine Kaur

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes   No

Yes   No