

2024:PHHC:013885

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-51772-2023
Date of decision: 01.02.2024

Gurbachan Singh

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. D.P.S.Randhawa, Advocate,
for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.93 dated 22.09.2023, registered for the offences punishable under Sections 376, 420, 385 of IPC and Section 66-E of the IT Act (wherein the offence under Section 6 of the POCSO Act is stated to have been added later on vide DDR bearing No.16 dated 24.09.2023) at Police Station Sadar, District Kapurthala.

2. On 16.11.2023, the following order was passed:-

“On 12.10.2023 following order was passed :

“The petitioner herein seeks the relief of prearrest/anticipatory bail in the criminal case arisen out of the FIR bearing No.93 dated 22.09.2023 registered at Police Station Sadar Kapurthala, District Kapurthala, under Sections 376, 420, 385 IPC and Section 66-E of the IT Act (wherein the offence under Section 6 of the POCSO Act is stated to have been added later-on vide DDR bearing No.16 dated 24.09.2023 as entered at the afore-said Police Station).

Learned counsel for the petitioner, inter-alia, contends that the petitioner has not been attributed any specific role in the entire sequence of the events leading to the registration of the criminal case under reference and he has been got falsely implicated in the same merely for the reason that he happens

to be the father of his co-accused named Kabir Lotian, allegedly the prime accused of the crime.

Notice of motion.

Mr. Virat Rana, learned Assistant Advocate General, Punjab, who has put in appearance in this case in pursuance of the copy of the instant petition having been sent to the respondent-State in advance, accepts the notice and he seeks time to file the Status-Report in the present petition.

Let the same be filed on or before 16.11.2023.”

Reply by way of affidavit of Sh. Satnam Singh, PPS, Deputy Superintendent of Police (Headquarter), District Kapurthala filed by learned State counsel is taken on record. Registry to scan the same and tag at the appropriate place. As per the reply, there is no specific role which has been attributed to the petitioner except for the fact that he is father of the main accused.

List on 01.02.2024.

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 adequate surety and personal bonds 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.”

3. Learned State counsel on instructions from, ASI Satwinder Singh, has stated that pursuant to the order dated 16.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the interim order dated 16.11.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

5. This order should not be treated as “blanket” order. It will not be read 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.

6. 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.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 01, 2024
poonam

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