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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-53629-2024 (O&M)
Date of decision: 25.11.2024

Yograj Sidhu and another

... Petitioners

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Hitesh Kumar Sammi, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail
to the petitioner in case bearing FIR No.223 dated 16.09.2024 under Sections
323, 376, 34, 506 of the Indian Penal Code, 1860, Sections 4, 5 & 18 of the
Protection of Children from Sexual Offences Act (Amended), 2012, 2019 and
Section 67 of Information Technology (Amendment) Act, 2008 registered at
Police Station Rama Mandi, Jalandhar.

2. On 25.10.2024, the following order was passed:-

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“The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.223 dated 16.09.2024 under Sections 323/376/34/506 of IPC, Sections 4/5/18 of POCSO Act (Amended), 2012, 2019 and Section 67 of Information Technology (Amendment) Act, 2008 registered at Police Station Rama Mandi, Jalandhar (Annexure P-1).

Learned counsel for the petitioners inter alia contends that the petitioners are parents of the main accused and they have absolutely no role to play in the alleged incident. The alleged incident had taken place on 22.02.2021. However, the FIR (supra) lodged after a delay of 03 years and 08 months and there is no documentary or medical evidence to corroborate the case set up by the prosecution. The son of the petitioners and the prosecutrix were studying in the same school.

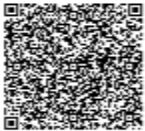
Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar, DAG, Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon’ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioners are directed to appear before the Investigating Officer within two weeks from today and on their doing so or in the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS.*

If the Investigating/Arresting Officer does not permit the petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the

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Investigating/Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

Adjourned to 25.11.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel, on instructions from ASI Jarmanjit Singh, at the very outset, informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.
4. In view of the statement of learned State counsel, order dated 25.10.2024 is hereby made absolute. The petitioners will abide by the terms and conditions envisaged under Section 482(2) of BNSS (*erstwhile Section 438(2) of the Code of Criminal Procedure, 1973*).
5. The petition stands disposed of.

25.11.2024
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[HARPREET SINGH BRAR]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No