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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-62592-2023 (O&M)
Date of Decision: 14.02.2024

SALEEM GILL
Vs.
STATE OF PUNJAB

.. Petitioner

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Deepak Nayar, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No. 121 dated 23.07.2023 registered for offences punishable under Sections 376, 315, 316, 420 and 120-B of IPC, 1860 and Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012 at Police Station Shahkot, District Jalandhar.
2. On 08.01.2024, the following order was passed:-

“Apprehending his arrest in FIR No. 121 dated 23.07.2023 registered for offences punishable under Sections 376, 315, 316, 420 and 120-B of IPC, 1860 and Sections 4 and 6 of Protection of Children from Sexual Offences Act, 2012 at Police Station Shahkot, District Jalandhar; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that no active role has been ascribed to the present petitioner-Saleem Gill & the petitioner is willing to join investigation as also cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab, appears and accepts notice on behalf of the respondent-State.

Adjourned to 14.02.2024.

The petitioner is directed to appear before the Investigating Officer on 18.01.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioner shall be released on interim bail

subject to his furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. He shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from ASI Balbir Singh, has stated that pursuant to the order dated 08.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. In view of above, the petition is allowed and interim order dated 08.01.2024 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 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.
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.
8. Pending application(s), if any, shall also stand disposed off.

14.02.2024

Jasmine Kaur

(SUMEET GOEL)

JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No