

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-64513-2023 (O&M)

DATE OF DECISION : 07.03.2024

JATAN KUMAR ALIAS JATIN KUMAR SAHOTA

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. H.S.Bhogal, Advocate for the petitioner.
Mr. Adesh Pal Singh, A.A.G., Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.109 dated 01.11.2023 under Sections 452, 354 of the Indian Penal Code, 1860 and Section 8 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Mehtiana, District Hoshiarpur.

2. On 21.12.2023 following order was passed:

“xxxx Learned counsel for the petitioner would contend that the incident alleged is dated 30.10.2023 at about 8.00 PM and the FIR was registered on 01.11.2023. The learned counsel would further contend that the petitioner in the present case was beaten up by the brother and other relatives of the complainant on 30.10.2023. A copy of the MLR has been appended with the petition as Annexure P-2 which is dated 30.10.2023 and the time of arrival has been mentioned as 11.05 PM. The learned counsel has further contended that the present FIR has been lodged by the complainant only as a counter-blast to cover up and put pressure on the petitioner anticipating that a case would be registered against the brother and other relatives.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent-State of Punjab.

List on 07.03.2024.

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. ”

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in compliance of the order dated 21.12.2023 passed by this Court.

4. Learned counsel appearing on behalf of the respondent-State, on instructions from ASI Gurjinder Singh, has also confirmed that the petitioner has joined investigation and his custodial interrogation is not required.

5. In view of the reasons recorded in the order dated 21.12.2023 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 21.12.2023 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

07.03.2024

Janki

(HARPREET KAUR JEEWAN)
JUDGE

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