

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-S-3896-2023
Date of decision: 29.07.2024

YUVRAJDEEP SINGH ALIAS RAJA
V/s
STATE OF PUNJAB AND ANOTHER
...PETITIONER
...RESPONDENTS

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Azam Khan, Advocate for
Mr. Ritesh Pandey, Advocate for the petitioner.

Mr. Yuvraj Singh Tiwana, AAG, Punjab.

None for respondent No.2.

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.0108 dated 21.11.2023, registered for the offences punishable under Sections 376/506 of IPC and Sections 4, 6 of POCSO Act and Section 67(A) of IT Act and Section 3(1) (r) of SC/ST Act at Police Station Fatehgarh Churian.
2. On 26.12.2023, the following order was passed:-

“The learned counsel representing the appellant contends that as per the case of the prosecution, the petitioner has not been attributed a specific role and therefore, the offence under Section 3 of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, is not made out against the petitioner.
Notice of motion.
Mr. Adhiraj Singh, AAG, Punjab, accepts notice on behalf of the State.
Adjourned to 05.02.2024.
In the meantime, in the event of arrest, the appellant shall be released on the interim bail subject to furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. However, the appellant shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

3. Office note indicates that service has been effected upon the respondent No.2. However, none has appeared on behalf of the said respondent.

4. Learned State counsel, on instructions from ASI Varinder Singh, submits that the appellant has joined investigation wherein after challan (report under Section 173 of Cr.P.C. 1973) has also been filed.

5. In view of above, the present petition is allowed and interim order dated 26.12.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.

6. 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.

7. 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.

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

9. Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

July 29, 2024
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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No