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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-62915-2024 (O&M)
Date of decision: 16.12.2024

Sandeep Singh

... Petitioner

Vs.

State of Punjab

... Respondent

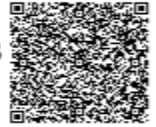
CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. B.S. Aulakh, Advocate
for the petitioner.

Mr. Subhash Godara, Addl. A.G., Punjab.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail
in case bearing FIR No.198 dated 23.08.2019 under Sections 363, 366-A,
376 of the Indian Penal Code, 1860 (for short 'IPC') and Section 4 of The
Protection of Children from Sexual Offences Act, 2012 (for short 'POCSO
Act'), registered at Police Station Canal Colony Bathinda, District Bathinda.
2. Learned counsel for the petitioner, *inter alia*, contends that the

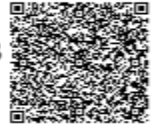


petitioner and daughter of the complainant were in consensual relationship, which was opposed to the complainant. Both of them performed marriage on 19.08.2019. The victim-prosecutrix/daughter of the complainant was major at the time of marriage and even in her statement recorded by the jurisdictional Magistrate under Section 183 of BNSS [*erstwhile Section 164 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.')*], she has not alleged anything against the petitioner; rather stated that she went with the petitioner of her own accord. It is further contended that the petitioner was on bail and during the course of trial, Section 376 of IPC and Section 4 of POCSO Act were added.

3. Notice of motion.

4. On asking of the Court, Mr. Subhash Godara, Addl. A.G., Punjab accepts notice on behalf of the respondent-State and on instructions from ASI Iqbal Singh submits that the final report under Section 193 of BNSS (*erstwhile Section 173 of Cr.P.C.*) has already been presented before the concerned jurisdictional Court and the petitioner is not required for any further custodial interrogation and his presence is required only at the time of trial.

5. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner was on bail and learned Judicial Magistrate 1st Class, after



recording the entire evidence of the prosecution, allowed addition of offence under Section 376 of IPC and Section 4 of POCSO Act and thereafter, committed the case to the Court of Sessions, as such, *de novo* trial would commence.

6. Keeping in view the facts and circumstances of the case and the fact that custodial interrogation of the petitioner is not required and his presence is essential at the time of trial, present petition is disposed of. The petitioner is directed to surrender before learned Special Court/Additional Sessions Judge, Bathinda within a period of one week from today. On his doing so, the petitioner will be admitted to bail on his furnishing bail/surety bonds to the satisfaction of learned Special Court/Additional Sessions Judge, Bathinda.

[HARPREET SINGH BRAR]
JUDGE

16.12.2024
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No