213 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

CRM-M-5599-2025
Date of decision: 28.02.2025

Rajveer Singh alias Raju ....Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. J.S. Ghumman, Advocate for
Mr. M. S. Batth, Advocate
for the petitioner.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR No.0041 dated 27.05.2024 (Annexure P-1) under Sections 377/506 of IPC and Section 6 of POCSO Act, 2012 registered at Police Station Kathgarh, District SBS Nagar.

On 31.01.2025, the following order was passed:-

> *'Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.0041 dated 27.05.2024 under Sections 377 & 506 of the Indian Penal Code, 1860 and Section 6 of The Protection of Children from Sexual Offences Act, 2012, registered at Police Station Kathgargh, District SBS Nagar.*
>
> *Learned counsel for the petitioner, inter alia, contends that the petitioner is 17 years of age and he was not named in the FIR (supra) and after 40 days of alleged incident, he has been nominated as accused. There is no specific allegation against the petitioner and the main accused is Jeevan Kumar.*
>
> *Notice of motion.*
>
> *Mr. Subhash Godara, Addl. A.G., Punjab, who is present in the Court, accepts notice on behalf of the respondent-State and Mr. Jagdish Singh Johal, Advocate appears on behalf of respondent No.2-complainant. He undertakes to file his Vakalatnama in the Registry on or before the next date of hearing.*
>
> *Learned counsel for respondent No.2-complainant submits that the petitioner has been nominated in the FIR (supra) due to some miscommunictation and respondent No.2-complainant has no*

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objection, if the petitioner is granted the concession of anticipatory bail.

Adjourned to 28.02.2025.

Keeping in view the ratio of 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,*** *the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).*

If the Arresting Officer does not permit the petitioner to join the investigation, he would appear before learned Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from ASI Gurbax Singh, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 31.01.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

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

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