

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

CRM-M-18724-2015

Date of Decision : 05.11.2015

Gona

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr.Arjun Sharma, Advocate for the petitioner.
Ms.Amarjit Kaur Khurana, Addl.AG, Punjab

- i. Whether Reporters of local papers may be allowed to see the judgment?
- ii. To be referred to the Reporters or not?
- iii. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for anticipatory bail filed in case bearing FIR No. 44 dated 16.03.2014, under Sections 363, 366 IPC, (Section 376 IPC and Section 4 of The Protection of Children from Sexual Offences) Act added later on), registered at Police Station Gurdaspur, District Gurdaspur.

On 07.07.2015 the following order was passed:-

“ It is *inter alia* contended that petitioner is the sister of Sonu, the co-accused. She has filed this second petition for grant of pre-arrest bail on account of addition of Section 376 IPC. It is further contended that petitioner was earlier granted pre-arrest bail by this Court vide order dated 30.07.2014 (Annexure P-3) passed in CRM-M-20645-2014. The challan report has since been presented. It is also contended that vide order dated 28.01.2015 (Annexure P-6), the learned Sessions Court rejected the bail on the ground that the offence under Section 376 IPC and Section 4 of the Protection of Children from Sexual Offences, 2012, are not attracted against the petitioner being a female and, therefore, the application was dismissed as infructuous. It is, however, contended that since Section 376 IPC was added later on, the petitioner has the apprehension of being sent to custody.

Notice of motion for 24.09.2015.

In the meanwhile, on appearance of the petitioner before the Committing Magistrate/trial Court within a period of two weeks from today, she shall be released on bail on furnishing

bail bonds to the satisfaction of Committing Magistrate/trial Court. The petitioner shall also abide by the conditions as enshrined in Section 438 (2) Cr.P.C. Till then arrest of the petitioner shall remain stayed.

In case, the petitioner fails to do so, the concession granted to her by this order shall automatically stand vacated.”

Learned Addl.AG, on instructions from the investigating officer, has stated that the petitioner has joined the investigation and is no more required for custodial interrogation.

In the circumstances the order dated 07.07.2015 is made absolute.

Petition stands disposed of.

Since the main case has been decided, the Criminal Misc.Application, if any also stands disposed of.

November 05, 2015

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(AJAY TEWARI)
JUDGE