

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-29113 of 2015

.....

Date of decision:20.11.2015

Swaran Kaur and others

.....Petitioners

v.

State of Punjab

.....Respondent

....

Present: Mr. S.S. Siao, Advocate for the petitioners.

Ms. Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.77 dated 28.7.2015 registered for the offences under Sections 452, 354, 448, 427, 511, 506, 148 and 149 IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012 at Police Station Singh Bhagwantpura, District Roop Nagar.

Petition qua petitioners No.2 to 4, namely, Satnam Singh, Manpreet Singh and Balihar Singh has been dismissed as withdrawn vide order dated 3.9.2015 passed by this Court.

Notice of motion has been issued in this case qua petitioners No.1 and 5, namely, Swaran Kaur and Gurmit Singh.

Ms. Simsi Dhir Malhotra, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and

contested this petition.

I have heard learned counsel for the petitioners No.1 and 5 and learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

Firstly, petitioner No.1 Swaran Kaur as well as petitioner No.5 Gurmit Singh have already joined the investigation in compliance with the order passed by this Court and they are not required for custodial interrogation. The allegations under Section 354 IPC etc. are not levelled against these petitioners as argued. No useful purpose will be served by sending these petitioners to custody.

Keeping in view the facts and circumstances of the present case and the fact that petitioners No.1 and 5 are not required for custodial interrogation and in view of the nature of the offences attributed to them, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 3.9.2015 passed by this Court granting interim bail to the petitioners No.1 and 5 is made absolute. However, petitioners No.1 and 5 shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

November 20, 2015.

(Inderjit Singh)
Judge

hsp