

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

(1) **Criminal Misc. No. M-7251 of 2015**
Date of Decision: 03.08.2015

Anju & another

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

(2) **Criminal Misc. No. M-41184 of 2014 (O&M)**
Harmel Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

(3) **Criminal Misc. No. M-5602 of 2015**
Iqbal Singh & anr.

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

1. *Whether reporters of local newspapers may be allowed to see judgment?*
2. *To be referred to reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

Present:- Mr. Dhiraj Chawla, Advocate in CRM-M-7251-15
Mr. S.S. Randhawa, Advocate in CRM-M-5602-15
Mr. Pawan Hooda, Advocate in CRM-M-41184-2014
for the petitioner(s).

Mr. Gurinderjit Singh, DAG, Punjab.

Mr. APS Shergill, Advocate for the complainant.

HARI PAL VERMA J.(Oral)

This order shall dispose of three petitions i.e. CRM-M-7251 of 2015, CRM-M-41184 of 2014 and CRM-M-5602 of 2015 filed under Section 438 CrPC for grant of anticipatory bail, as the same have been arisen out of FIR No.92 dated 2.8.2014 under Sections 376, 363, 366-A, 506, 120-B IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sadar Abohar, District Fazilka (Annexure P1). However, the facts are being taken from CRM-M-7251 of 2015.

Vide order dated 13.3.2015, this Court has granted interim bail to the petitioners subject to their joining investigation and compliance of provisions of Section 438(2) CrPC.

Learned counsel for the petitioner submits that pursuant to order dated 13.3.2015 of this Court, the petitioners have joined investigation.

Learned State counsel, on instructions from ASI Sahib Singh, does not dispute the aforesaid factual position and submits that further custodial interrogation of the petitioners is not required at this stage.

Mr. APS Shergil, Advocate, appearing on behalf of the complainant, submits that the main accused Kali @ Suresh is already in custody, however, grant of concession of anticipatory bail to the petitioners, during the pendency of the trial, will give a wrong message to the trial Court and probably the trial Court shall be

prejudiced by grant of anticipatory bail to them.

I have considered the contentions raised on behalf of the parties.

Considering the fact that the only allegation against the petitioners is that they have helped the accused Kali @ Suresh, as the petitioners did not object when Kali @ Suresh had forcibly taken the prosecutrix and the petitioners have come into picture in view of proceedings under Section 193 CrPC, though prosecution has not filed any challan against them, I deem it appropriate to allow the present petition.

Accordingly, the present petition is allowed and the interim order dated 13.3.2015 passed by this Court is made absolute. However, the petitioners shall appear and face the trial in accordance with law.

It is made clear that the expression made here-in-above shall not be construed any expression on the merits of the case and merely because the petitioners have been admitted to anticipatory bail, the trial Court shall not be influenced by the order passed by this Court and shall decide the case on the basis of the material available before it.

A photocopy of this order be placed on the files of other connected cases.

August 03, 2015

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**(HARI PAL VERMA)
JUDGE**