

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

202

CRM-M-733 of 2015 (O&M)

DATE OF DECISION: May 07, 2015.

Balkaran Singh

....Petitioner.

VERSUS

State of Punjab

....Respondent.

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Beant Singh, Advocate
for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

Mr. Karanjeet Singh Brar, Advocate
for the complainant.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking grant of concession of pre-arrest bail to the petitioner in FIR No.184 dated 13.12.2014, under Sections 376/511/354/506/354-B/34 (Section 376/511 deleted vide Rapat No.26.12.2014) IPC registered at Police Station Moga Sadar, Moga.

The following order passed by this Court on 14.01.2015 is as under:-

*“Learned counsel submits that there is a
litigation pending between family members of the*

complainant and the petitioner since long. Further, the offence under Section 376 IPC has also been deleted.

List on 11.03.2015.

Meanwhile, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his/their arrest, he/they shall be released on bail by the Investigating Officer on his/their furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C.:-

- i. a condition that the person shall make himself/themselves available for interrogation by Police Officer as and when required;*
- ii. a condition that the person shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- iii. a condition that the person shall not leave India without the previous permission of the Court;*
- iv. such other condition as may be imposed under sub section (3) of section 437, as if the bail were granted under that section.”*

Thereafter, as offence under Section 8 of the Protection of Children from Sexual Offence Act, 2012 was added, the petitioner moved CRM-2578 of 2015 seeking adding of such offence in the prayer clause of the main petition.

CRM-2578 of 2015 was listed before this Court on 02.02.2015 and while issuing notice in the application for 11.03.2015

the following order was passed:-

“ Notice of this application be issued for 11.03.2015.

Meanwhile, petitioner is directed to join the investigation as and when called by the Investigating Officer. In the event of his/their arrest, he/they shall be released on bail by the Investigating Officer on his/their furnishing bail bonds/sureties to his satisfaction, subject to the conditions mentioned below, as envisaged in Section 438(2) Cr.P.C.:-

- i. that the petitioner shall make himself available for interrogation by Police Officer as and when required;*
- ii. that the petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
- iii. That the petitioner shall not leave India without the previous permission of the Court;*
- iv. such other condition as may be imposed under sub section (3) of section 437, as if the bail were granted under that section.”*

Learned State counsel, upon instructions from ASI Tara Singh, would appraise the Court that the petitioner has since joined investigation.

It will be apposite to notice that the offence under Section 376 IPC already stand deleted. That apart, the date of alleged occurrence is stated to be 29.11.2014 whereas the FIR was registered after a period of almost two weeks i.e. on 13.12.2014.

In the totality of circumstances, the petitioner is held entitled to the concession of anticipatory bail. Petition is allowed.

The orders dated 14.01.2015 and 02.02.2015 passed by this Court are made absolute. The petition stands disposed of.

**(TEJINDER SINGH DHINDSA)
JUDGE**

May 07, 2015
komal