

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

**CRM No. M-33014 of 2016
Date of decision: 26.04.2017**

Gurpinder Singh @ Gurbinder Singh

..... Petitioner.

Versus

State of Punjab

..... Respondent.

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Dhawaljeet Dutta, Advocate, for the petitioner.

Mr. Deep Singh, AAG, Punjab.

LISA GILL, J.

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 57 dated 19.07.2014, registered under Sections 363 and 366-A of the Indian Penal Code (for short 'IPC') & Section 8 of the Protection of Children from Sexual Offences Act, 2012, later Section 376 of the IPC and Sections 3, 4 of the Protection of Children from Sexual Offences Act, 2012 was added at Police Station Fatehgarh Chhurian, District Gurdaspur.

It is submitted that the FIR was initially registered under Sections 363 and 366-A of the IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012. The petitioner was allowed bail by the Juvenile Justice Board. Subsequently, Section 376 of the IPC and Sections 3, 4 of the Protection of Children from Sexual Offences Act, 2012 were added. The petitioner sought anticipatory bail, however, his application was dismissed. The petitioner surrendered and moved an application for regular bail. It was specifically mentioned in his application that Section 376 of the IPC and Sections 3,4 of the Protection of Children from Sexual Offences Act, 2012 had been added. However, while allowing bail to him, the learned Court on 15.12.2015 did not mention the subsequently added

Section 376 of the IPC and Sections 3,4 of the Protection of Children from Sexual Offences Act, 2012. The petitioner, it is submitted, furnished the bail bonds under the newly added provisions as well. When it came to his notice that the said Sections were not mentioned in the bail order, he filed an application for modification of the order. The modification was however, refused and the petitioner then approached the learned Additional Sessions Judge, for grant of anticipatory bail, which was dismissed by the Court. Pursuant to direction of this Court on 28.09.2016, the petitioner has appeared before the learned trial Court and has been admitted to interim bail. He is since appearing regularly before the learned trial Court. It is, thus prayed that this application be allowed.

Learned counsel for the State on instructions from ASI Dalwinder Singh affirms that the petitioner has been admitted to interim bail by the learned trial Court in October, 2016 and he has been appearing regularly before the learned trial Court. There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without expressing any opinion on the merits of case, this petition is disposed of with a direction that the interim bail granted to the petitioner by the learned trial Court be made absolute, subject to his furnishing fresh bail bonds and surety bonds to the satisfaction of the learned trial Court

26.04.2017
PA

(LISA GILL)
JUDGE

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