

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

CRM-M-35667-2017 (O&M)

Date of decision : 10.11.2017

Gurwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. S.S. Sidhu, Advocate for the petitioner.

Ms. Gulnoor Ghuman, AAG, Punjab,
assisted by HC Gamdur Singh.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seek anticipatory bail under Section 438 of the Criminal Procedure Code in FIR No.43 dated 13.03.2015, registered under Sections 363, 366A and 120-B of the Indian Penal Code (for short, 'the IPC') [Sections 376/120-B IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 (for short, 'the POCSO Act'), at Police Station Nehianwala, District Bathinda.

Heard.

The petitioner was admitted to regular bail by this Court vide order dated 08.01.2016 (Annexure P-2) under Sections 363, 366A and 120-B IPC. Subsequently, Section 376/120-B IPC and Section 4 POCSO Act have been added.

It is asserted that the prosecutrix is major. In her statement recorded under Section 164 Cr.P.C. she has stated that she voluntarily accompanied the petitioner. She also refused to undergo medical

examination. He has joined the investigation in pursuance of the order passed by this Court.

Learned State counsel, on instructions, submits that in pursuance of the order passed by this Court, the petitioner has joined the investigation.

Heard.

Considering the fact that the petitioner was earlier allowed bail under Section 439 Cr.P.C. and there is no evidence of misuse of the concession so granted, without expressing any opinion on the merits of the case, the petitioner is directed to surrender before the trial Court and on his doing so, he be admitted to regular bail under the subsequently added sections i.e. Section 376 and 120-B IPC and Section 4 POCSO Act as well, subject to furnishing fresh bail bonds/surety bonds to the satisfaction of the trial Court.

The petition stands allowed.

10.11.2017
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(JITENDRA CHAUHAN)
JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No