

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

**CRM-M-5428-2017 (O&M)
Date of decision: 11.07.2017**

Gursewak Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

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

Mr. N.K. Banka, DAG, Punjab.

JAISHREE THAKUR, J. (ORAL)

CRM-13860-2016

Instant application has been filed seeking to place on record
head note of the petition.

For the reasons mentioned in the application, the same is
allowed.

Head note of the petition is taken on the record.

CRM-M-5428-2018

This is a petition under Section 438 of the Code of Criminal
Procedure for grant of anticipatory bail to the petitioner in a case FIR No.
188 dated 18.11.2015 under Sections 376/ 344/ 506/ 120-B IPC and Section
4 of POCSO Act, 2012 registered at Police Station City, District Moga.

This Court was pleased to pass the following order on
20.02.2017 :-

“Counsel for the petitioner inter alia contends that after due

investigation, challan was presented against Beant Singh to whom allegations with regard to sexual assault constituting offence under Section 376 of the Indian Penal Code, 1860 have been attributed and another accused in the case is Swaran Kaur, Massi of accused Beant Singh, who purportedly invited the prosecutrix for birthday of her son Siblu through telephone. As per the allegations against the petitioner, the petitioner, maternal uncle of accused Beant Singh was stated to be present in Moga where the prosecutrix came at the instance of Swaran Kaur. It is further submitted that the petitioner has been summoned under Section 319 of the Code of Criminal Procedure, 1973 and is ready to face the proceedings, in accordance with law.

Notice of motion for 18.04.2017.

In the meantime, the petitioner shall cause appearance before the trial Court within a period of 10 days. In case, he appears before the trial Court within the stipulated period, he shall be released on interim bail by the trial Court subject to the following conditions:-

(i) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and

(ii) He shall not leave the limits of this country without prior permission of the Court.”

Learned State counsel on instructions submits that pursuant to the interim order dated 20.02.2017, the petitioner has joined the investigation.

Since the petitioner has joined the investigation, the petition is allowed and interim order dated 20.02.2017 is hereby made absolute subject to the condition that the petitioner will join the investigation as and when

required by the police and will not tamper with evidence or hamper the investigation and will not leave India without permission of the Court and will comply with the conditions contained in Section 438(2) Cr.P.C.

11.07.2017

Satyawan

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes.
No.