

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

Crl. Misc. 40168-2017 in/and
Crl. Misc. M-33671 of 2017 (O&M)
Date of Decision: January 25, 2018

Kamaljit Kaur @ Kamal and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Rajesh K. Dadwal, Advocate
for the applicants-petitioners.

Mrs. Anju Arora, Addl. AG Punjab.

JAISHREE THAKUR, J. (Oral)

CRM-40168-2017

This application has been preferred for adding the offence under Section 376 of Indian Penal Code in the head note of the main petition and grant of bail in the said section as well.

Counsel for the applicants-petitioners urges that after the petitioners have joined the investigation, Section 376 of Indian Penal Code has been added by presenting a supplementary challan on 09.11.2017.

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

Registry is directed to carry out the necessary correction in the head note of the petition.

Main case

The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioners in the event of arrest in FIR No.66 dated 06.06.2017, under Sections 363, 366-A, 120-B, 376 of Indian Penal Code and Section 4 of POCSO Act, registered at Police Station Sadar Nawanshahar, District SBS Nagar.

Learned counsel for the petitioners contends that the petitioners are falsely implicated in the present case and on the direction of this Court, have joined the investigation. It is also contended that nothing is to be recovered from them.

Learned State counsel, on instructions from Investigating Officer, submits that petitioners have joined the investigation and they are not required for the custodial interrogation.

In view of the facts that the petitioners are not required for custodial interrogation and have joined the investigation, without commenting on the merits of the case, the petition is allowed and order dated 12.09.2017 granting interim bail to the petitioners is made absolute subject to the conditions laid down in Section 438 Sub Section 2 Clauses (i) (ii) and (iii) of the Code of Criminal Procedure.

January 25, 2018
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(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No