

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

CRM M-35400 of 2017.

Date of Decision: 10.01.2018.

Randeep Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Vikas Gupta, Advocate,
for the petitioner.

Ms. Sudeepti Sharma, Addl. AG, Punjab
assisted by ASI Panna Lal.

Mr.DS Pheruman, Advocate for the complainant

JITENDRA CHAUHAN.J.(ORAL)

The present petition has been filed under Section 438
Cr.P.C seeking anticipatory bail in case FIR No.99 dated 08.08.2016
registered under Sections 376 and 506 IPC and Section 4 of Protection
of Children from Sexual Offences Act, 2012 at Police Station Patti,
District Tarn Taran.

On 21.09.2017 this Court had passed the following
order:-

“Learned counsel contends that though Section 4 of the Protection
of Children from Sexual Offences Act, 2012 (in short POCSO Act)
had been added before the passing of the order in CRM-M-34136-
2016, however, the same was neither in the notice of the petitioner
nor it was brought to the notice of the Court by the State counsel.

Notice of motion for 27.10.2017.

Keeping in view the fact that the petitioner was admitted to bail under Section 376 IPC and there is no allegation of misusing the concession of bail, interim relief in the same terms qua Section 4 of the POCSO Act.”

Despite the specific order passed by this Court, the learned State counsel submits that there is no necessity of filing the reply. The Court is unable to appreciate the import of the submission made by the learned State counsel as the petitioner was allowed bail on 09.03.2017, subsequently, offence under Section 4 of the Protection of Children from Sexual Offences Act, 2012 was added. At this stage, nothing is to be recovered from the petitioner.

In view of above, the order dated 21.09.2017 passed by this Court is made absolute, subject to furnishing of bail-bonds/surety bonds by the petitioner to the satisfaction of the CJM/Duty Magistrate concerned.

The petition stands allowed.

10.01.2018.
SN

(JITENDRA CHAUHAN)
JUDGE

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