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

**CRM-M-43878 of 2018**

**Date of decision: October 05, 2018**

Kashmir Singh and others

.....Petitioners

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI**

**Present:** Mr. Bikramjit Aroura, Advocate the petitioners.

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**A.B. CHAUDHARI, J (Oral)**

Notice of motion.

At the asking of the Court, Mr. Naveedp Chhabra, DAG  
Punjab accepts notice on behalf of the State.

This is the second petition for grant of anticipatory bail to the petitioners on account of amendment of charge under Section 376-D of Indian Penal Code, 1860 (for short 'IPC') vide order dated 27.09.2018 (Annexure P-11) by the trial Court (earlier summoned as additional accused for offence under Sections 363/ 366/ 376/ 376-A/ 506 IPC vide order dated 23.08.2016 by the trial Court), in FIR No.133 dated 14.06.2014, under Sections 363/ 366/ 376-A/ 506 of IPC, registered at Police Station Sadar, Tarn Taran, District Tarn Taran.

Learned counsel for the petitioners submits that earlier, vide order dated 23.08.2016 (Annexure P-6) passed by the learned Additional Sessions Judge, Tarn Taran, the petitioners were ordered to be summoned to face the trial for commission of offence punishable under Sections 363/ 366/ 376/ 376-A/ 506 of IPC. Learned counsel further

submits that against the said order, petitioners filed an application for grant of anticipatory bail before the learned Additional Sessions Judge, Tarn Taran, which was dismissed vide order dated 21.11.2016 (Annexure P-7). The petitioners approached this Court by filing petition, i.e. CRM-M-44797 of 2016 for grant of anticipatory bail. The same was allowed vide order dated 31.07.2017 (Annexure P-9).

Learned counsel for the petitioners further submits that now, the prosecution filed an application before the learned Additional Sessions Judge, Tarn Taran for amendment of charge against the petitioners. Learned trial Court, vide order dated 27.09.2018 (Annexure P-11) allowed the said application for no reasons and ordered to frame charge under Section 376-D IPC against the petitioners. Learned counsel further submits that the petitioners have been falsely implicated in this case and no case is made out for amendment of charge against the petitioners. He, therefore, prayed for allowing of the petition.

On the other hand, learned State counsel opposed the petition and prayed for dismissal of the same.

I have heard learned counsel for the rival parties and perused the impugned order of the learned trial Court and the reasons recorded therein.

Without commenting upon the merits of the case and looking to the fact that the petitioners were earlier granted the relief of anticipatory bail by this Court in FIR in question and further that they have not made any default in appearance or misuse the concession of anticipatory bail granted by this Court, I am inclined to grant

anticipatory bail to the petitioners in the present case.

Hence, this petition is allowed. The petitioners are ordered to be released on anticipatory bail, in the present case, to the satisfaction of the learned trial Court concerned. The petitioner shall appear before the trial Court with promptitude and cooperate with the trial Court.

**(A.B. CHAUDHARI)**  
**JUDGE**

**October 05, 2018**

mahavir

Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No