

214.

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

CRM-M-50958-2018 (O&M)

Date of decision:11.07.2019.

POOJA RANI

... Petitioner

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Rajinder Singh Bhatta, Advocate,
for the petitioner.

Mr. Harpreet Singh Multani, AAG, Punjab.

HARI PAL VERMA, J. (Oral)

CRM-14482-2019

Prayer in this application filed under Section 482 Cr.P.C. is to add Sections 376-D, 376-A, 450/506 of IPC and Section 6 of POSCO Act in the present petition in FIR No.108 dated 14.07.2018 registered under Section 376 IPC and Section 4 of POCSO Act, 2012 at Police Station Sadar, Jalalabad (West), District Fazilka.

For the reasons stated in the application, same is allowed, as prayed for.

CRM-M-50958-2018

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.108 dated 14.07.2018 registered under Sections 376 of IPC and Section 4 of POCSO Act, 2012 at Police Station Sadar Jalalabad (West), District Fazilka.

The aforesaid FIR was initially registered under Section 376 of IPC and Section 4 of POCSO Act. However, thereafter the offence under Sections 376-D, 376-A, 450/506 of IPC and Section 6 of POCSO Act were also added.

Learned State counsel, on instructions from ASI Mukhtiar Singh, states that the charges have been framed against the co-accused Rajinder Singh.

Vide order dated 20.11.2018, while issuing notice of motion in the case, the petitioner was granted interim bail by this Court.

Counsel for the petitioner states that pursuant to the aforesaid order, the petitioner has joined the investigation.

In brief, the allegation against the petitioner is that she is a friend of the prosecutrix, being her classmate at Government Senior Secondary Ghubaiya. On 10.07.2018 when the parents of the prosecutrix had gone to the fields, the petitioner came to her house and asked the prosecutrix that she (Pooja Rani-the petitioner) is thirsty and wanted water. The prosecutrix told the petitioner to take the water from the water cooler in the kitchen. Petitioner brought two glasses of water in the tray, whereas she gave one glass to the prosecutrix and the other she drank herself. After drinking this water, the prosecutrix started feeling pain in her throat and felt dizzy. In the meantime, petitioner went out of the room and the co-accused Rajinder Singh entered into her room. He closed her mouth with his hand and said that if she raises noise, he will kill her. Out of this fear, the prosecutrix could not raise noise and the co-accused Rajinder Singh raped her forcibly.

Counsel for the petitioner states that petitioner was merely a friend of the prosecutrix. He referred to the photographs of the prosecutrix with the co-accused Rajinder Singh to substantiate the argument that they were already in relationship/love affair.

Since the petitioner has joined the investigation and her custodial interrogation is no more required, present petition is allowed and the interim bail granted to the petitioner vide order dated 20.11.2018 is made absolute.

However, if required, the petitioner shall continue to join investigation as and when required to do so and shall abide by the terms and conditions, as laid down under Section 438(2) Cr.P.C.

(HARI PAL VERMA)
JUDGE

11.07.2019
sanjeev

Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No