

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

210

CRM-M-2319-2021

Date of decision: 22.04.2021

Rupinder Kaur

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Sukhdev Singh Khokher, Advocate
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed this petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "the Cr.P.C") for grant of anticipatory bail in case FIR No.84 dated 27.11.2020 registered under Sections 363, 366-A and 120-B of the Indian Penal Code, 1860 (for short, "the IPC") at Police Station Dhilwan, District Kapurthala to which Section 376-D of the IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 were added lateron.

While issuing notice of motion on 18.01.2021, Co-ordinate Bench of this Court had granted interim anticipatory bail to the petitioner with direction to join the investigation and the relevant part of the said order reads as under:-

"Learned counsel for the petitioner submits that at the most, the allegation against the petitioner is that she arranged for a mobile phone, so that the prosecutrix can have a talk with the main accused-Jatinder against whom

there is allegation of rape.

Notice of motion.

At this stage, Mr. Avtar Singh Sandhu, Addl. A.G., Punjab, has put in appearance and accepts notice on behalf of the respondent-State.

Adjourned to 22.04.2021.

Meanwhile, in the event of arrest of the petitioner, she shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.PC."

The petition has been opposed by the learned State Counsel. However, no reply has been filed by the respondent-State.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the record.

Learned Counsel for the petitioner has, while reiterating submissions made earlier, submitted that in compliance with order dated 18.01.2021, the petitioner has joined the investigation and she may be granted anticipatory bail as her custodial interrogation is not required in the case.

Learned State Counsel has vehemently opposed the petition and submitted that in view of gravity of accusation, the petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

However, learned State Counsel has, on instructions from ASI Balwinder Singh, acknowledged that in compliance with order dated 18.01.2021 passed by Co-ordinate Bench of this Court, the petitioner has joined the investigation and that her custodial interrogation is not required in the case.

In view of the facts and circumstances of the case, nature

of accusation against the petitioner, the fact that custodial interrogation of the petitioner is not required in the case and there is no material to justify the apprehension of the petitioner fleeing from justice or tampering with evidence or criminally intimidating the prosecution witnesses, but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserves the grant of anticipatory bail.

In view of the above, the petition is allowed and order dated 18.01.2021 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation again if and as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to her.

22.04.2021

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(ARUN KUMAR TYAGI)
JUDGE

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