

106.

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

CRM-M-12454-2021 (O&M)

Date of decision: 18.03.2021.

VICKY AND ANR

.... Petitioners

versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Armaan Gangneja Advocate,
for the petitioners.

Mr. Avtar Singh Sandhu, Additional Advocate General, Punjab.

HARI PAL VERMA, J. (Oral)

The matter has been taken up for hearing through video conferencing due to outbreak of COVID-19.

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner pending trial in case FIR No.131 dated 25.05.2019 registered under Sections 363, 366A and 120B of IPC, 1860, Sections 7, 8 of POCSO Act, 2012 and Section 9 of Prohibition of Child Marriage Act, 2006, at Police Station City Muktsar, District Sri Muktsar Sahib.

Counsel for the petitioners submits that inadvertently the Sections 201/120-B of IPC have not been incorporated in the headnote of the petition though he has made this reference in para 3 of the petition.

On oral request of counsel for the petitioners, the offence under Sections 201/120-B IPC is also added in the headnote of the petition.

Registry is directed to make necessary correction in the headnote and to incorporate Sections 201 read with Section 120-B IPC.

Counsel for the petitioners submits that it is on an application filed by the prosecution under Section 319 Cr.P.C., the petitioners were summoned to face trial. It is thereafter, the petitioners approached the court of learned Additional Sessions Judge, Sri Muktsar Sahib so as to seek anticipatory bail. Vide order dated 05.03.2020, the learned Additional Sessions Judge, Sri Muktsar Sahib, while observing that the custodial interrogation of the petitioners is not warranted, had directed the petitioners to surrender before the trial Court within 10 days and in the event of their surrender, they be released on bail on their furnishing bail bonds in the sum of Rs.50,000/- each with one surety in the like amount each to the satisfaction of the learned trial Court on the following conditions:-

- “i. That the applicants shall regularly appear before the Trial Court and co-operate in the quick disposal of the case.*
- ii. That the applicants shall not leave India without the prior permission of the Court.*
- iii. That the applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade from disclosing such facts to the court, during trial.”*

Counsel for the petitioners submits that in compliance of the order dated 05.03.2020 though the petitioners were directed to surrender, but they could not surrender before the trial Court on account of Covid-19 pandemic. However, the petitioners now undertake to appear before the trial Court and they be accordingly protected. He further submits that though the

petitioners had moved an application before the learned Additional Sessions

Judge for extension of time to join the proceedings and to further protect them, but the same was withdrawn on some wrong premises instead of getting it decided on merits. The very reason for withdrawal the application is that the learned Additional Sessions Judge was not inclined to accept the prayer of the petitioners and it is in these circumstances, the application was withdrawn by the petitioners.

Heard.

There is no dispute that it is on the basis of application filed under Section 319 Cr.P.C., the petitioners have been summoned in the case to face trial. Vide order dated 05.03.2020, the learned Additional Sessions Judge had directed the petitioners to surrender before the trial Court within 10 days, but it is on account of non-appearance of the petitioners within the time granted by the learned Additional Sessions Judge and thereafter withdrawal of the application seeking extension of time, the present petition has been filed.

The pleaded ground on which extension was sought is that on account of Covid-19, the parties could not appear before the trial Court.

Be that as it may, when the petitioners have shown their inclination to appear before the trial Court and noticing the fact that they were summoned on an application under Section 319 Cr.P.C., this Court deems it appropriate to grant one more opportunity to the petitioners. Therefore, in case they surrender before the trial Court within 10 days from today, the trial Court shall admit them on bail and the petitioners shall be released on bail on their furnishing bail bonds in the sum of Rs.50,000/- each with one surety in the like amount each to the satisfaction of the

learned trial Court on the conditions that they shall regularly appear before the trial Court and co-operate in the early disposal of the case. They shall not leave India without the prior permission of the Court. They shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case, so as to dissuade from disclosing such facts to the court, during trial.

Accordingly, the present petition is allowed.

(HARI PAL VERMA)
JUDGE

18.03.2021
sanjeev

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