

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

-.-

CRM M 20114 of 2021

Date of decision: 20.05.2021

Gurdeep Singh alias Deep

...Petitioner

Versus

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

-.-

In virtual Court

Present: Mr. Mandeep Singla, Advocate
for the petitioner

-.-

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail in the newly added Section 376 (D) of the Indian Penal Code and Section 6 of POCSO Act vide DDR No. 35 dated 01.12.2020 at Police Station Dharamkot, District Moga in FIR No. 96 dated 12.06.2019 registered under Sections 366-A, 376, 323, 506 and 120-B of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Dharamkot, District Moga.

It is submitted by counsel for the petitioner that with the same allegations, the petitioner was granted bail pending trial. However, by picking up the earlier statement got recorded by the prosecutrix, some more

sections have been added against the petitioner. Hence, the petitioner apprehends his arrest. Still further, it is submitted by counsel for the petitioner that in fact, it was a matter of run away couple. Co-accused namely Gurwinder Singh alias Bunty has already married the prosecutrix. A statement to this effect was made by the prosecutrix even in the earlier petition filed by the co-accused before this Court. Now, co-accused Gurwinder Singh and prosecutrix/complainant are happily residing as husband and wife. There is no other case against the petitioner. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. H S Multani, AAG, Punjab accepts notice on behalf of the State.

Counsel for the State, being instructed by ASI Paramjit Kaur, submits that on the basis of the available evidence, Sections 376(D) IPC and Section 6 of the POCSO Act, 2012 have been added now. The police need to investigate these offences as well. Hence, the petitioner does not deserve concession of anticipatory bail. However, it is undisputed that earlier the petitioner was granted bail pending trial and there have been no misuse of concession of bail, as such.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case of his arrest, the petitioner shall be released on bail subject to his furnishing bail bounds/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, it is further directed that the petitioner shall join the

investigation as and when called upon to do so and shall abide by the conditions, as provided under section 438 (2) Cr.P.C.

(Rajbir Sehrawat)
Judge

20.05.2021
Mohan Bimbra

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