

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.39245 of 2020
Date of Decision: January 19, 2021

Darshan Devi

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sunil Agnihotri, Advocate,
for the petitioner.

Mr. Sandeep Singh Deol, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.165 dated 03.11.2020, under Sections 376, 342, 315, 506 IPC, 1860 and Section 6 POCSO Act, 2012, registered at Police Station, Machiwara, Police District Khanna. The petitioner apprehended her arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 26.11.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Heard through video conferencing.

The petitioner is seeking anticipatory bail in FIR

No.165, dated 03.11.2020, under Sections 376, 342, 315, 506 IPC and Section 6 of the Protection of Children from Sexual Offence Act, 2012, registered at Police Station Machiwara, district Khanna.

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and has been arraigned as an accused on the supplementary statement of the complainant wherein it is alleged that the petitioner has helped in the abortion of fetus. He also contends that the petitioner is a widow with three minor children and was only working as a helper in a shop. The petitioner is drawing pension under the widow ration scheme. A copy of the widow ration scheme card is annexed as Annexure P-2.

Issue notice to the respondent.

At the asking of the Court, Mr. Dhruv Dayal, Senior DAG, Punjab, accepts notice on behalf of the respondent.

List on 19.01.2021.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation. In the event of her arrest, the investigating/arresting officer shall release the petitioner on ad interim bail subject to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted herself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Vipan Kumar, further states that the petitioner is not required for

custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 26.11.2020 is made absolute.

January 19, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable:	Yes/No