

CRM-17031-2022 in/and
CRM-M-4741-2022
Date of decision: 23.05.2022PARMINDER KAUR
VERSUS
STATE OF PUNJAB
...APPLICANT/PETITIONER
...RESPONDENTCORAM: HON'BLE MR. JUSTICE VIVEK PURIPresent: Mr. Bhupinder Banga, Advocate for the applicant/petitioner.
Ms. Ruchika Sabherwal, AAG, Punjab.
****VIVEK PURI, J. (ORAL)CRM-17031-2022

This is an application for addition of the offences under Sections 376/120-B IPC in the head note and prayer clause of the main petition.

Learned counsel for the applicant contends that these offences have been added subsequently which aspect has not been disputed by the learned State counsel.

Registry is directed to incorporate the offences under Sections 376/120-B in the head note and the prayer clause.

CRM application is disposed of.

Main case

By this petition, the petitioner is seeking anticipatory bail in case bearing FIR No.06 dated 12.01.2022 under Sections 363, 366-A IPC and Section 6 of the Protection of Children from Sexual Offences Act, (Sections 376/120-B added subsequently registered at Police Station Mahilpur, District Hoshiarpur.

On 04.02.2022, the following order was passed:-

“By this petition, the petitioner is seeking anticipatory bail in case bearing FIR No.06 dated 12.01.2022 under Sections 363, 366-A IPC and Section 6 of the Protection of Children from Sexual Offences Act, registered at

Police Station Mahilpur, District Hoshiarpur.

Briefly, the aforesaid FIR has been registered on the basis of statement of Naresh Kumar alleging that her daughter whose date of birth is 18.11.2006 was allured by Tajinder Singh @ Nishu and taken alongwith him. It has been further stated that the petitioner, who is the mother of Tajinder Singh @ Nishu , was also involved in the kidnapping.

Learned counsel for the petitioner contends that the petitioner is being falsely involved being mother of Tajinder Singh @ Nishu. The victim has been recovered and in her statement under Section 164 Cr.P.C, she has not imputed anything against the petitioner.

Notice of motion.

Mr. Tanvir Joshi, AAG, Punjab, accepts notice on behalf of the respondent-State and on the instructions from ASI Gurmail Singh, states that the victim has not imputed anything upon the petitioner in her statement under Section 164 Cr.P.C.

Adjourned to 29.04.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of her arrest, she shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation.

On instructions from ASI Daljeet Kumar, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation and her custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 04.02.2022, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

23.05.2022
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(VIVEK PURI)
JUDGE

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