

CRM-41492-2022 in/and
CRM-M-27685-2022 (O&M)

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208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-41492-2022 in/and
CRM-M-27685-2022 (O&M)
Date of Decision: 14.11.2022

BALIJIT SINGH @ BALLU AND OTHERS ... PETITIONERS

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Akash Manocha, Advocate for the petitioners.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

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This is an application for placing on record the copy of the order dated 22.09.2022 passed by the learned trial Court. The same is allowed to be taken on record.

Registry is directed to tag the same at the appropriate place.

Disposed of.

Main case

On 05.07.2022 following order was passed in the main case:

“Petitioners Baljit Singh @ Ballu @ Baljit Singh Randhawa, Gagandeep Singh @ Gagan and Jaswinder Singh @ Manpreet are seeking anticipatory bail in case bearing FIR No. 128 dated 11.09.2020 under Sections 363, 376 IPC and Section 6 of POCSO Act, registered at Police Station Subhanpur, District Kapurthala.

Learned counsel for the petitioners contend that during the course of investigation, the petitioners were found innocent and their names were reflected in Column No. 2 of

the report under Section 173 Cr.P.C. The prosecutrix had even not attributed any allegation against the petitioners in her statement recorded under Section 164 Cr.P.C. The allegations in the statement under Section 164 Cr.P.C. were imputed against Jaspal Singh @ Jassa, co-accused. Subsequently, during the course of her statement in the trial Court, the prosecutrix has not imputed any allegation against Jaspal Singh @ Jassa. She imputed allegations against the petitioners as a result of afterthought during the course of trial. The petitioners have been summoned on the application under Section 319 Cr.P.C. in terms of the order dated 08.02.2021 passed by the Court of learned Addl. Sessions Judge, Kapurthala. Furthermore, Jaspal Singh @ Jassa who was initially arraigned as an accused has been granted regular bail by this Court in terms of the order dated July 28, 2021 passed in CRM-M-7888-2021. The next date of hearing in the trial Court is 02.08.2022.

Notice of motion.

Mr. M.S.Nagra, AAG Punjab accepts notice on behalf of the State.

Keeping in view the fact that the petitioners have been summoned under Section 319 Cr.P.C. and other aforesaid circumstances, they are directed to surrender in the trial Court within a period of seven days and on their doing so, they shall be released on interim bail by the trial Court on their furnishing personal and surety bonds to its satisfaction. The petitioners shall also comply with other conditions as specified under Section 438(2) Cr.P.C.

Adjourned to 31.08.2022.”

Learned counsel for the petitioners contend that in pursuance of the interim directions, petitioners No. 2 and 3 had surrendered in the trial Court on 11.07.2022 and were admitted on interim bail. However, time for surrender of petitioner No.1 was extended in terms of the order dated 19.09.2022 and accordingly, he had surrendered in the trial Court on 22.09.2022. Furthermore, it has been inadvertently mentioned in the bail application that offence under Section 376-D IPC has been deleted whereas the same is still added in the challan and the trial Court is contemplating to frame charge under the said Section also.

Learned State counsel has not assailed the aforesaid factual

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aspect and submitted that the petitioners have joined the investigation and their custodial interrogation is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 05.07.2022 is made absolute.

The petition stands allowed. However, this order shall also be construed to have been passed with regard to offence under Section 376-D IPC.

14.11.2022
Janki

(VIVEK PURI)
JUDGE

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