

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

208-1

CRM-M-37584-2021

Date of Decision: 20.05.2022

FARMAAN ALI AND ORS

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ritesh Pandey, Advocate for the petitioners.

Mr. A.S. Gill, Sr. DAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

On 10.09.2021, this Court passed the following order:-

“At the very outset, learned counsel for the petitioners seeks to add Section 376-D IPC in the headnote and prayer clause of the petition.

Allowed as prayed for.

Registry is directed to carry out the necessary amendment.

Learned counsel for the petitioners prays for grant of anticipatory bail to the petitioners in FIR No. 65 dated 23.10.2018 which was initially registered under Sections 366, 366-A IPC at Police Station Purana Shala, District Gurdaspur. Subsequently Sections 376-D and 120-B IPC and Section 6 of the POCSO Act have been added. Learned counsel would contend that earlier the petitioners were allowed to join investigation and their bail was allowed but it is only after the statement of the prosecutrix recorded under Section 164 Cr.P.C. that the allegations under Section 376-D IPC have been made out. It is argued that once the matter has already been investigated and bail was allowed to them, their custodial interrogation would not be required.

Notice of motion for 31.01.2022.

Mr. A. S. Gill, Sr. DAG, Punjab accepts notice on behalf of the respondent-State.

Meanwhile, the arrest of the petitioners is stayed for a period of two weeks. The petitioners are directed to join proceedings before the trial

Court within the stipulated period for the added offences and on doing so, the trial Court is directed to release them on interim bail subject to their furnishing fresh bail bonds surety bonds to its satisfaction. It is made clear in case, the petitioners herein fail to join the proceedings within the stipulated period, any interim protection granted to them shall stand automatically vacated.”

Counsel for the petitioners submits that in pursuance to the above reproduced order, the petitioners have joined the proceedings. Still further, by referring to the evidence of the prosecution, counsel for the petitioners submits that not only the prosecutrix but even her parents have been examined before the trial court.

Upon instructions from ASI Narinder Pal Singh, State counsel has affirmed the fact that the petitioners have joined the investigation and they are no longer required for custodial interrogation.

In view of the above, the present petition is allowed and the order dated 10.09.2021 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

20.05.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No