

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-40039-2022

Date of decision : 24.11.2022

Krishna and another

... Petitioners

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE VIKAS BAHL

Present: Mr.Rakesh Kumar, Advocate
for the petitioners.

Mr.Iqbal S.Mann, DAG, Punjab.

VIKAS BAHL, J.(ORAL)

This is a first petition under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR no.89 dated 18.07.2020 registered under Sections 363, 364, 366-A, 376 IPC read with Section 4 of the Protection of Children from Sexual Offences Act, 2022 at Police Station Fattu DHINGA, Tehsil and District Kapurthala.

On 05.09.2022, a coordinate Bench of Court was pleased to pass the following order:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short “the Code”) for grant of anticipatory bail in FIR No.89 dated 18.07.2020, registered for offences under Sections 363, 364, 366-A, 376 of the Indian Penal Code, 1860 read with Section 4 of Protection of Children from Sexual Offences Act, 2012, at Police Station Fattu DHINGA, Tehsil and District Kapurthala, Annexure P-1.

Counsel for the petitioner submits that the petitioners were found to be innocent during investigation and have been summoned as additional accused, vide order dated 06.06.2022,

Annexure P-4, passed on an application filed by the prosecution under Section 319 of the Code. He submits that the petitioners are ready to surrender before the Trial Court and join the proceedings. Still further, counsel has placed reliance upon order dated 22.08.2022, Annexure P-6, passed in CRM-M-36889-2022, whereby, co-accused has been directed to join the proceedings and have been granted interim protection by this Court.

Notice of motion.

On asking of the Court, Mr. Ramta Chaudhary, DAG, Punjab accepts notice on behalf of the respondent-State.

List on 24.11.2022 .

To be heard with CRM-M-36889-2022.

In case, the petitioners surrender before the Trial Court within a fortnight from today, join the proceedings and move an appropriate application, they will be released on ad interim bail subject to furnishing bail/surety bonds to the satisfaction of the Trial Court concerned.

(SUVIR SEHGAL)
JUDGE

05.09.2022 ”

Learned counsel for the petitioners as well as learned State counsel have submitted that in pursuance of the said order, the petitioners have joined the investigation and appeared before the trial Court on 19.09.2022.

Keeping in view the above said facts and circumstances moreso, the facts which have been noticed in the order dated 05.09.2022, and also the fact that the petitioners in compliance of the said order, have appeared before the trial Court, the present petition is allowed and the interim order dated 05.09.2022 is made absolute, subject to the petitioners giving an undertaking to appear on each and every date unless their personal appearance is specifically exempted by the trial Court

Nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently

of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

(VIKAS BAHL)
JUDGE

November 24, 2022
Davinder Kumar

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