

Sr. No.208

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17150-2023

Date of Decision:25.05.2023

Danial Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Raj Kumar Arya, Advocate for the petitioner.

Mr. Amit Rana, Sr. D.A.G. Punjab.

Manjari Nehru Kaul, J. (Oral)

The petitioner is seeking the concession of anticipatory bail under Section 438 of the Cr.P.C. for offences under Section 376 of IPC and Section 4 of the POCSO Act which were added subsequently vide order dated 01.04.2023, in case FIR No.45 dated 21.06.2021 registered under Sections 363 and 366 of the IPC registered at Police Station Tibber, District Gurdaspur.

Vide order dated 12.04.2023, the petitioner had been granted interim anticipatory bail with direction to appear before the trial Court and the relevant part of the said order reads as under:

“Learned counsel for the petitioner submits that the petitioner has already been granted anticipatory bail by the trial Court vide order dated 13.07.2022 under Sections 363 and 366 of the IPC, however, the Trial Court vide order dated 01.04.2023 also framed charge under Section 376 of the IPC read with Section 4 of the POCSO Act and the petitioner has genuine apprehension that he would be arrested by the police.”

Learned counsel for the petitioner submits that in compliance of order dated 12.04.2023, the petitioner appeared before the trial Court and was thereafter granted interim bail by the trial Court. Learned counsel further submits that after

his appearance, he stands charge-sheeted on 26.04.2023. Copy of the order dated 26.04.2023 has been placed on record today in the Court subject to just exceptions.

In view of the above, the petition is allowed and interim order dated 12.04.2023, is made absolute subject to the conditions laid down in Section 438 (2) Cr.P.C.

25.05.2023
rajeev

(Manjari Nehru Kaul)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No