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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-34907-2023 (O&M)
Date of decision : 15.11.2023

Rupali

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Hitesh Chopra, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

ALKA SARIN, J. (ORAL)

1. This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.0114 dated 18.07.2022 under Sections 376, 506, 34, 201 of the Indian Penal Code, 1860, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 66, 67, 67I of the IT Act (added later on vide DDR No.34 dated 15.09.2022) registered at Police Station City Batala, District Gurdaspur (Annexure P-1).

2. On 21.07.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 (CrPC) for grant of anticipatory bail to the petitioner in FIR No.0114 dated

18.07.2022 under Sections 376, 506, 34, 201 of the Indian Penal Code, 1860, Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 66, 67, 67I of the IT Act (added later on vide DDR No.34 dated 15.09.2022) registered at Police Station City Batala, District Gurdaspur.

Learned counsel for the petitioner would contend that the petitioner was not named in the FIR and that he has been nominated on the basis of an order passed on an application under Section 319 CrPC. It is further contended that the petitioner has falsely been implicated in the case.

Notice of motion.

Mr. Adhiraj Singh, AAG Punjab accepts notice on behalf of respondent-State of Punjab and seeks time to get his instructions.

List on 15.11.2023.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner would contend that pursuant to the said order the petitioner has joined investigation and has fully cooperated.

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4. Learned counsel for the State, on instructions from ASI Iqbal Singh, has stated that the petitioner has since joined investigation and has fully cooperated and that she is no longer required for further custodial interrogation as of now.

5. In view of the above, the order dated 21.07.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

15.11.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO