

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

[201]

CRM-M-39056-2022**Date of Decision:07.02.2023**

Pooja @ Nannu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. Karanjeet Singh Brar, Advocate
for the petitioner.

Mr. Amish Sharma, AAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.22 dated 18.04.2022 (Annexure P-1) registered at Police Station City-II Abohar District Fazilka under Sections 376, 120B IPC and Section 4 of POSCO Act, 2012.

Status report by way of affidavit of Sukhwinder Singh Brar, PPS, Deputy Superintendent of Police, Sub-Division Abohar, District Fazilka has been filed on behalf of respondent No.1-State in Court today. The same is taken on record.

This Court vide order dated 31.08.2022 granted interim protection to the petitioner. The relevant extracts of which read as:

“Learned counsel for the petitioner inter alia contends that the petitioner is a married lady; she has no other criminal antecedents; she has been falsely implicated in this case because the petitioner's brother and the complainant were in a consensual relationship which later on turned sour; further, the petitioner has been embroiled in this case only to take

revenge against petitioner's brother; the story of the prosecution, even if taken as the gospel truth, though vehemently denied, is improbable on the face of it as it is highly unlikely that a married sister would stand outside a room to facilitate rape of a 13 year old girl by her brother; no recovery is required to be made from the petitioner; the allegations of rape are and cannot be qua the petitioner and that the petitioner is also ready and willing to join and cooperate with the investigation as and when called by the investigating agency.

Notice of motion.

Mr. Navneet Singh, Senior DAG, Punjab accepts notice on behalf of the respondent-State.

For arguments, adjourned to 12.12.2022.

In the meanwhile, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of her arrest in FIR No. 22 dated 18.04.2022 registered under Sections 376 and 120-B IPC and Section 4 of the POCSO Act, 2012, at Police Station City-II, Abohar, district Fazilka, she shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.

Before the adjourned date the State shall file a status report on consideration of which further orders shall be passed.”

This Court on 12.12.2022 passed following order:

“Upon instructions received from ASI, Manjit, State counsel submits that petitioner has joined the investigation and has cooperated with the investigation. He submits that she is no longer required for custodial interrogation. He, however, seeks an adjournment to file a status report in compliance of order dated 31.08.2022 passed by this Court.

List on 07.02.2023.

Interim order to continue.”

Learned counsel for the petitioner would submit that the petitioner has joined the investigation and fully cooperated the Investigating Officer. He further undertakes that petitioner would continue to join investigation as and when summoned by Investigating Officer.

Learned counsel for the State, on instructions from ASI Manjit does not dispute the statement made by learned counsel for the petitioner and further submits that petitioner has joined investigation and his presence, at this stage, is no more required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 31.08.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)
JUDGE

07.02.2023
Anjal

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>