

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-59677-2022 (O&M)
Date of decision : 18.08.2023

Harpreet Kaur ... Petitioner(s)

Versus

State of Punjab ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sahil Soi, Advocate for the petitioner.

Mr. M.S. Tiwana, 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.50 dated 17.03.2019 registered under Sections 120-B, 302, 376-D, 363, 364 and 201 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Sultanpur Lodhi, District Kapurthala (Annexure P-1).

2. On 20.12.2022 the following order was passed :

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking pre-arrest bail in case FIR No.50 dated 17.03.2019, registered for offences under Sections 120-B, 302, 376-D, 363, 364 and 201 of the Indian Penal Code, 1860 and Sections 3 and 4 of the Protection of

Children from Sexual Offences Act, 2012, at Police Station Sulltanpur Lodhi, District Kapurthala, Annexure P-1.

Counsel for the petitioner submits that the petitioner was found innocent during investigation and has been summoned as an additional accused by order dated 07.06.2022, Annexure P-8, passed on an application filed under Section 319 of the Code by the prosecution. Counsel submits that the petitioner is ready to join the proceedings.

Notice of motion.

On asking of the Court, Mr. P.S. Grewal, DAG, Punjab accepts notice on behalf of respondent-State.

List on 19.01.2023.

Let the petitioner surrender before the Trial Court and join the proceedings before the next date. In case, she does so and moves an appropriate application, the Trial Court shall release her on ad-interim bail on furnishing of bail/surety bonds to its satisfaction. ”

3. Learned counsel for the petitioner would contend that pursuant to the said order, the petitioner has joined the proceedings and the trial is going on.

4. Learned counsel for the State, on instructions from ASI Sukhdev Singh, is not in a position to deny that the petitioner had surrendered before the Trial Court and has also joined proceedings.

5. In view of the statement of learned State counsel, the order dated 20.12.2022 is made absolute. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

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

18.08.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

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