

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

212

CRM-M-542-2024

Date of decision: 14.02.2024

Gurjant Kaur

....Petitioner

V/s

State of Punjab and another

....Respondents

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Prabhjot Singh Waraich, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, AAG Punjab.

SUMEET GOEL, J. (Oral)

1. Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short ‘Cr.P.C.’) for grant of anticipatory bail to the petitioner in case FIR No.0221 dated 12.12.2023, under Sections 363, 366-A, 120-B IPC and Section 8 of Protection of Children from Sexual Offences Act (Amended) 2012 and Section 366-A IPC & 8 POCSO Act (deleted later on) and Section 366, 376 IPC and Section 4 of POCSO Act (added later on) registered at Police Station Bhawanigarh, District Sangrur.

2. On 08.01.2024 the following order was passed:-

“Apprehending her arrest in FIR No. 0221 dated 12.12.2023 registered for offences punishable under Sections 363, 366-A and 120-B of IPC, 1860 and Section 8 of Protection of Children From Sexual Offices Act, 2012 at Police Station Bhawanigarh, District Sangrur; the petitioner has preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the petitioner has no active role to play in the entire incident; the main accused, namely, Aman Singh (who is the son of the petitioner) has already been arrested and is presently in judicial custody; the petitioner is willing to join investigation as also cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab, appears and accepts notice on behalf of the respondent-State Adjourned to 14.02.2024.

The petitioner is directed to appear before the Investigating Officer on 12.01.2024 at 11:00 A.M. in concerned Police Station and join

investigation. In the event of arrest, the petitioner shall be released on interim bail subject to her furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioner shall join the investigation. She shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

3. Learned State counsel, on instructions from ASI Chamkaur Singh, has stated that pursuant to the order dated 08.01.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
4. In view of the above, the petition is allowed and interim order dated 08.01.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
6. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

February 14, 2024
Ajay

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