

BABU LAL AND OTHERS

...Petitioners

Vs.

STATE OF PUNJAB

...Respondent

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. A.K. Khunger, Advocate for the petitioners.
Mr. Ishan Kaushal, AAG, Punjab.

Nidhi Gupta, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.0002 dated 16.01.2023 registered under Section 376-D IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Khui Khera, District Fazilka.

On 06.11.2023, a co-ordinate Bench of this Court had passed the following order:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioners in FIR No.0002 dated 16.01.2023 under Section 376-D of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act, 2012, registered at police Station Khui Khera, District Fazilka.

Learned counsel for the petitioners would contend that the prosecutrix has not supported the case of the prosecution even in her statement under Section 164 CrPC and the DNA Report has also been received as per

which no human semen and male DNA was detected on the exhibits.

List on 13.02.2024.

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

Learned State counsel on instructions states that in terms of the order passed by the co-ordinate Bench of this Court, reproduced above, the petitioners have joined the investigation and no further interrogation is required at this stage.

In view of the above, order dated 06.11.2023 granting interim bail to the petitioners is made **absolute**. However, the petitioners shall abide by following conditions:-

- i) They shall join the investigation as and when required by the Investigating Officer.*
- ii) They shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from disclosing the same to the Investigating Officer/Court; and*
- iii) They shall not leave the limits of this country without prior permission of the Court.*

In case at any given point of time hereinafter, it is felt by the

are not cooperating, it will be at liberty to approach this Court for passing appropriate orders.

13.02.2024

'Amit'

(Nidhi Gupta)
Judge

Whether speaking/reasoned

Whether reportable

:

:

Yes/No

Yes/No