

CRM-M-28044-2023 (O&M)

Date of Decision: 02.02.2024

KIRAN @ KAJAL

.....PETITIONER

Vs.

STATE OF PUNJAB

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Jatinder Singh Gill, Advocate,
for the petitioner.

Ms. Himani Arora, A.A.G., Punjab.

Mr. Saneev Taank, Advocate,
for the complainant.

HARPREET KAUR JEEWAN J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No. 0053 dated 15.07.20219 under Sections 363 and 366-A of the IPC read with Section 120-B thereof (Section 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012, were added later on), registered at Police Station Qudian, Police District Batala, District Gurdaspur.
2. Counsel for the petitioner *inter alia* submits that the petitioner was granted interim bail as per the order dated 31.05.2023 passed by the co-ordinate Bench of this Court.
3. The relevant portion of the aforesaid said order reads as under:-

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“Kiran alias Kajal has filed anticipatory bail application in FIR No. 0053 dated 15.07.2019 under Section 363, 366-A, 120-B of IPC (later on offence under Section 376 IPC and Section 6 of POCSO Act was added) registered at Police Station Qadian, Police District Batala, District Gurdaspur. Learned counsel for the petitioner argued that she is named in the FIR with the allegation that the complainant suspected that apart from main accused Arun alias Bablu, the present petitioner is also having her hand in taking away the victim. She is ready to join the investigation. Even otherwise, the matter has been compromised between the parties.

Notice of motion.

On the asking of this Court, Mr. Kunwarbir Singh, Assistant AG, Punjab accepts notice on behalf of the State and Mr. S.P.S. Sandhu, Advocate has filed vakalatnama on behalf of the complainant.

The learned counsel for the complainant also confirmed the compromise arrived at between the parties. Considering the aforesaid factual position, let status report be called.”

xxxx xxxx xxxx xxxx

4. Counsel for the petitioner further submits that the petitioner has joined the investigation in compliance of the aforesaid order dated 31.05.2023 passed by the co-ordinate Bench of this Court.
5. Learned counsel appearing on behalf of the respondent-State on instructions from ASI Surinder Kumar confirms that the petitioner has joined investigation and also contends that her further custodial interrogation is not required.

6. The counsel appearing on behalf of the complainant contends that the matter stands compromised between the parties and therefore, he has no objection if the present petition is allowed.

7. In view of the reasons recorded in the order dated 31.05.2023 and keeping in view the fact that the petitioner has joined investigation, her further custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 31.05.2023 passed by the co-ordinate Bench of this Court, granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. Liberty is reserved in favour of the State/complainant to move for cancellation/recall of the order in case the petitioner violates any condition stipulated under Section 438 (2) Cr.P.C., or upon showing any other sufficient cause.

10. Pending miscellaneous application (s), if any, shall also stand disposed of.

February 02, 2024
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether reportable	No