

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

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CRM-M-48071-2023
Date of decision: 16.01.2024

Suraj Singh	V/s	...Petitioner
State of Punjab		...Respondent

CORAM: HON’BLE MR. JUSTICE SUMEET GOEL

Present: Mr.Ankit Bhardwaj, Advocate for
Mr. B.S. Jaswal, Advocate, for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

SUMEET GOEL, J.

1. On 22.09.2023, the following order was passed:-

“1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.31 dated 10.03.2021 registered under Sections 363/366 IPC and offence under Section 376 IPC and Section 6 of POCSO Act in which the charge has been amended vide order dated 31.07.2023, at Police Station Mohkampur, Amritsar.

2. Learned counsel for the petitioner contends that initially, the case was registered under Sections 363/366 IPC and in terms of order dated 28.04.2021, the petitioner was admitted on regular bail by the Court of learned Additional Sessions Judge, Amritsar. During the course of trial, on the application under Section 216 Cr.P.C, the offence under Section 376 IPC and Section 6 of POCSO Act have also been added in terms of order dated 31.07.2023. The offence under Sections 376 IPC and Section 6 of POCSO Act has been added only on the basis of opinion of doctor to the effect that there is nothing to suggest that the victim could not be subjected to sexual assault. The next date of hearing in the trial Court is fixed for 29.09.2023.

3. Notice of motion.

4. Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State. On instructions from ASI Sandeep Singh, she submits that the victim was medico legally examined but the report of FSL has not yet been received.

5. Adjourned to 13.12.2023.

6. *Meanwhile, the petitioner is directed to surrender before the learned trial Court on or before 29.09.2023 and on his doing so, he shall be admitted on interim bail to the satisfaction of the trial Court. The petitioner shall also comply with the provisions of Section 438(2) Cr.P.C.”*

2. Today, learned counsel for the petitioner, while relying upon order dated 28.09.2023 passed by the learned Additional Sessions Judge (Fast Track Court), Amritsar, has submitted that the petitioner has appeared before the learned trial Court in terms of the directions issued by this Court vide above-said order dated 22.09.2023.
3. Learned counsel for the petitioner further submitted that the petitioner shall continue to appear before the learned trial Court and cooperate in the trial in accordance with law.
4. In view of above, the interim order dated 22.09.2023 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

January 16 , 2024
poonam

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