

2024:PHHC:013901

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

209-A

**CRM-M-58783-2023 (O&M)
Date of decision: 01.02.2024**

Harbhajan Kaur @ Harbhajan Kaur Lotia

....Petitioner

V/s

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. D.P.S.Randhawa, Advocate,
for the petitioner.

Mr. Hemant Aggarwal, AAG, Punjab.

SUMEET GOEL, J.

1. Present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case bearing FIR No.93 dated 22.09.2023, registered for the offences punishable under Sections 376, 420, 385 of IPC and Section 66-E of the IT Act (wherein the offence under Section 6 of the POCSO Act is stated to have been added later on vide DDR bearing No.16 dated 24.09.2023) at Police Station Sadar, District Kapurthala.

2. On 22.11.2023, the following order was passed:-

“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.93 dated 22.09.2023 under Sections 376, 420, 385 of the Indian Penal Code, 1860 and Section 66-E of the IT Act, 2000 and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (added later on vide DDR No.16 dated 24.09.2023 registered at Police Station Sadar Kapurthala, District Kapurthala.

Learned counsel for the petitioner would contend that the petitioner is the mother of the main accused and her husband, namely, Gurbachan Singh has since been granted the concession of anticipatory bail by this Court in CRM-M-

51772-2023 vide order dated 16.11.2023. The learned counsel would further contend that the petitioner is similarly situated and no specific role has been attributed to the petitioner in the present case. It is further the contention that the petitioner has been implicated only because she is the mother of the main accused, namely, Kabir Lottian.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent-State of Punjab.

To be heard along with CRM-M-51772-2023 on the date already fixed therein.

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

3. Learned State counsel on instructions from, ASI Satwinder Singh, has stated that pursuant to the order dated 22.11.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the interim order dated 22.11.2023 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

February 01, 2024
poonam

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