

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-16619 of 2015
Date of Decision: August 17, 2015

Jasmail Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.H.S.Baath, Advocate
for the petitioner.

Ms.Simsi Dhir Malhotra, Deputy Advocate General, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in FIR No.71 dated 08.03.2015 under
Sections 363 and 366 IPC, registered at Police Station Patti, District
Tarn Taran.

Notice of motion was issued and learned State counsel
appeared and contested the petition.

The FIR in the present case has been got registered by
Nishan Singh, who stated that his marriage was solemnized with
Parwinder Kaur about 10 years back and two children were born from
the wedlock. Parwinder Kaur left the home without informing him or
any other family member of his family. Nishan Singh further stated
that Parwinder Kaur has been kidnapped by a boy of their village
namely Jasmail Singh.

Learned counsel for the petitioner argued that the allegations are completely vague. Statement of Parwinder Kaur was recorded on 03.04.2015 under Section 175 Cr.P.C., wherein she has clearly stated that she was married to complainant Nishan Singh about 8 years back and two children were born out of the wedlock. She also stated that her husband is a drug addict and he use to physically assault her and on account of these circumstances, she left her matrimonial home. She further stated that earlier she was staying at her parental home and presently residing at her uncle's house. She also stated that she has already instituted a divorce petition in the Court of learned Addl. Sessions Judge, Moga on 23.02.2015 and she has never been kidnapped nor has any relation with Jasmail Singh.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that the petitioner has joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the case and without discussing the merits of the case in minute details and without expressing any opinion on the merits of the case, the present petition is accepted. The order dated 20.05.2015 granting interim bail to the petitioner is made absolute.

August 17, 2015
Vgulati

(INDERJIT SINGH)
JUDGE