

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

CRM-M -39995 of 2016 (O&M)
Date of decision: 22.12.2016

Avtar Singh Fauji

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. KBS Mann, Advocate for the petitioner(s).

Ms. Harsimrat Rai, DAG, Punjab
assisted by ASI Balkaran Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.71 dated 10.10.2016, registered under Sections 420 and 364 of IPC, at Police Station Kotbhai, District Sri Muktsar Sahib.

On 09.11.2016, this Court had passed the following order:-

“Learned counsel contends that the amount in question was allegedly paid by the complainant's husband and three of her relatives for getting employment. However, only the complainant has come forward and allegations against the petitioner lacks in specificity. A false complaint was lodged against the petitioner with regard to abduction of the husband of the complainant. After the husband came home, he did not lodge any complaint against the petitioner.

Notice of motion for 22.12.2016.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail

subject to the following conditions:-

- 1.That he shall make himself available for interrogation by a police officer as and when required;*
- 2.That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;*
- 3.That he shall not leave India without prior permission of the Court. ”*

It is contended that in pursuance of the order dated 09.11.2016, the petitioner has joined the investigation

The learned State counsel, on instructions submits that during the investigation, the statement of Kulbir Singh, husband of the complainant was recorded to the extent that the petitioner was not the person who allegedly abducted him. She further states that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 09.11.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

22.12.2016

sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No