

**Crl. Misc. No. M-30517 of 2017 and
Crl. Misc. No. M-38352 of 2017**

[1]

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

**Crl. Misc. No. M-30517 of 2017
Date of Decision : November 08, 2017**

Sajjan Singh and anotherPetitioners

Versus

State of Punjab Respondent

Crl. Misc. No. M-38352 of 2017

Gurmeet Singh Petitioner

Versus

State of Punjab Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

...

Present: Mr. Navjot Singh, Advocate
for the petitioners.

Mr. Saurav Khurana, DAG, Punjab.

None for the complainant.

...

LISA GILL, J. (Oral)

This order shall dispose of CRM-M-30517 of 2017 as well as CRM-M-38352 of 2017. For the sake of convenience, facts are extracted from CRM-M-30517 of 2017.

The petitioners in both the cases seek the concession of anticipatory bail in FIR No. 142 dated 19.07.2017 under Sections 363, 366 (A), 120-B IPC registered at Police Station Dharamkot, District Moga, Punjab.

The petitioners Sajjan Singh and Kuldeep Singh (in CRM-M-30517 of 2017) are the brother and father respectively of the co-accused Gurmeet Singh (petitioner in CRM-M-38352 of 2017).

It is submitted that the alleged victim in this case in her statement under Section 164 Cr.P.C. has clearly stated that she accompanied the petitioner-Gurmeet Singh out of her own free will, without any pressure or coercion. The victim refused to accompany her parents and is presently lodged at Gandhi Vineet Ashram, Jalandhar, therefore, no offence punishable under Sections 363/366 (A) and 120-B IPC is made out. Moreover, in respect to the petitioners Sajjan Singh and Kuldeep Singh, it is submitted that they have been falsely implicated only because of their relationship with Gurmeet Singh. None of the petitioners, it is submitted, are involved in any other criminal case. The petitioners undertake to join the proceedings and not abuse the concession of anticipatory bail if afforded to them. Therefore, this petition be allowed.

Though learned counsel for the State submits that the victim in this case is a minor however it is not denied that the victim in this case is presently lodged at the Gandhi Vineet Ashram, Jalandhar as she had refused to accompany her parents. Her statement under Section 164 Cr.P.C. as mentioned above is verified as well. Learned counsel for the State, on instructions from ASI Surjit Singh, Police Station Dharamkot, District Moga, verifies that all the petitioners have joined investigation pursuant to interim orders passed by this Court. None of the petitioners are reported to be involved in any other criminal case.

There is no allegation that the petitioners are likely to abscond

before the learned trial Court, if released on bail.

Keeping in view the facts and circumstances of the case, but without expressing any opinion on the merits of the case, it is considered just and expedient to allow these petitions. Consequently, order dated 31.08.2017 passed in CRM-M-30517-2017 is made absolute.

Gurmeet Singh (petitioner in CRM-M-38352 of 2017) in the event of his arrest, be released on interim bail to the satisfaction of Investigating/Arresting Officer. He shall comply with the conditions stipulated in Section 438(2) Cr.P.C.

It is made clear that none of the petitioners shall attempt to contact the victim or any of her family members directly or indirectly. Any infraction in this regard may entail cancellation of their bail. It is further directed that the authorities at Gandhi Vineet Ashram, Jalandhar, be specifically instructed not to allow any contact of the victim with the accused in any manner.

08.11.2017
rupi

**(LISA GILL)
JUDGE**

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No