

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-7962 of 2019

Date of Decision: 24.05.2019

Mandeep Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Pankaj Garg, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in case FIR No.92 dated 24.07.2018 under Sections 363, 366-A/34 IPC registered at Police Station City Budhlada, District Mansa.

On 22.02.2019, this Court passed the following order:-

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case only because of filing CRM-M No.32299 of 2018 by the petitioner and sister of complainant for protection of their lives and liberty. Said petition was disposed of with a direction to Senior Superintendent of Police, Mansa to look into the pending representation.

Learned counsel further submits that at the time of filing the earlier petition, petitioner as well as his co-petitioner were major. Nothing is to be recovered from the petitioner and it was not a case of kidnapping and after having threat from the parents, they became co-petitioners.

Notice of motion.

On asking of the Court, notice on behalf of the State has been accepted by Ms. Bhavna Gupta, DAG, Punjab.

Copy of the petition be supplied to learned State counsel during course of the day.

Learned State counsel is directed to verify the age of co-petitioner in earlier petition to see as to whether she was minor or major at the time of filing of the petition and also to verify as to whether any action has been taken on the representation in view of directions issued by this Court in earlier petition. Learned State counsel is also directed to get the statement of the girl recorded to ascertain as to whether she filed any petition or affidavit was signed by her.

Meanwhile, arrest of the petitioner is stayed till the next date of hearing only.

Adjourned to 28.03.2019.”

Learned State counsel, on instructions from ASI Sukhpal Singh, submits that the date of birth of the prosecutrix is 22.12.2000 and the present FIR was registered on 24.07.2018. As on date, she has attained the age of majority. He refers to the reply filed by Dr. Ankur Gupta, IPS, Assistant Superintendent of Police, Sub Division, Budhlada, District Mansa which is accompanied with statement/affidavit of the prosecutrix-Priyanka Rani. In her statement, Priyanka Rani has stated that since her parents are in the process of performing her marriage, she has gone with the petitioner-Mandeep Singh out of her free will. Petitioner is her friend and therefore,

no legal action be initiated against him.

In view of the stand of the respondent-State, the present petition is rendered infructuous.

Dismissed as infructuous.

However, in case the petitioner is required in the present FIR, he be given 7 days advance notice and he shall not be arrested without notice in this case.

May 24, 2019
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No