

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

**CRM M-15672 of 2019
Date of Decision: May 14, 2019**

Joban Singh

.....Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present : Ms. Mania Munjal, Advocate
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

FATEH DEEP SINGH, J. (Oral)

This order shall dispose off first anticipatory bail application under Section 438 Cr.P.C. moved in FIR No. 06 dated 08.01.2019 under Sections 363, 366-A, 120-B and later on added offence under Sections 376 and 506 IPC and Section 4 of Protection of Children from Sexual Offences Act, Police Station Civil Lines, Batala.

The brief allegations against the petitioner have been levelled by the complainant mother of 16 ½ years old girl who has eloped on 07.01.2019 with Harjot Singh @ Gullu. The mother has alleged that accused Harjot Singh @ Gullu alongwith his father Balbir

Singh, mother Amarjit Kaur and brother Gagandeep Singh were instrumental in this elopement with a view to facilitate marriage of the girl and the boy. It was subsequent thereto the girl was got recovered on 10.01.2019 and in her statement under Section 164 Cr.P.C. made before the Magistrate has attributed role to the other accused including the present petitioner having been instrumental in this elopement.

Counsel for the petitioner *inter alia* contends that the principle accused Harjot Singh @ Gullu and the victim were in a relationship over a long period of time and it was a consensual one and that no specific role could be attributed to the petitioner in the FIR and it is subsequently and belatedly the allegations have cropped up against the friend of the petitioner.

On the instructions of Sub Inspector Harvinder Singh, the learned State counsel though does not displace the facts but has opposed the grant of the bail on the grounds that her statement under Section 164 Cr.P.C. shows that it was the friend of the accused including the present petitioner who has kidnapped her at the instance of principle accused and, thus, custodial interrogation of the petitioner is very much necessary.

Appreciating the submissions, the photographs and Whats app talks collected during the investigation as are there on the police file are illustrative of the fact that the girl was in a relationship with Harjot Singh @ Gullu and which fact could not be controverted by the State counsel. Petitioner is not named in the FIR and subsequently his

name has cropped up.

The petitioner shall join the investigation within 15 days and upon his doing so, he shall be released on *interim* bail to the satisfaction of Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for to do so and he shall abide by the conditions as envisaged under Section 438(2) Cr.P.C. Thereafter, will be released on regular bail upon presentation of challan.

Disposed off.

May 14, 2019
amit rana

(FATEH DEEP SINGH)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No