

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

CRM-M-37551-2018

Date of decision: February 06, 2019

Deepak and another

....Petitioners

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Dilpreet Singh Gandhi, Advocate
for the petitioners.

Mr. V.G. Jauhar, Senior DAG, Punjab.

RAJ SHEKHAR ATTRI, J.(ORAL)

The petitioners have preferred the instant petition under Section 438 Cr.P.C., for grant of pre-arrest bail in case FIR No.124 dated 18.05.2017, registered under Sections 363, 366-A, 376 of the Indian Penal Code and Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012 (added later on) at Police Station Sadar Amritsar, District Amritsar.

FIR was registered on the basis of suspicion that the prosecutrix has been taken away by Kuldeep Singh in connivance with his mother Smt. Sunita and his cousin Deepak.

When the girl was recovered, she suffered a statement before the learned magistrate under Section 164-A Cr.P.C. (Annexure P-2) in which she stated that she has asked Kuldip Singh to accompany her to Mata Vaishno Devi Temple and they have gone to Mata Vaishno Devi Temple and stayed there till 19.05.2017. Thereafter, they have been arrested.

No role has been attributed to the petitioners in the statement of Section 164 Cr.P.C. During investigation, they were declared innocent but have been now summoned under Section 319 Cr.P.C.

Learned State counsel submitted that petitioners have joined the investigation; nothing is to be recovered from them and they are not required for further custodial interrogation.

Resultantly, the interim order dated 29.08.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

Petition stands allowed.

(RAJ SHEKHAR ATTRI)
JUDGE

February 06, 2019
m. sharma

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No