

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-40397-2018
Date of decision:10.01.2019

Bhim Kumar

....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Jatin Salwan, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab
assisted by ASI Avtar Singh.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.135 dated 24.07.2018 under Section 365 of Indian Penal Code, 1860, Police Station Division No.1, District Jalandhar.
2. The FIR was lodged at the instance of Sikander Singh, who has stated that his son Sanjay was working as Palledar (Hawker) in 'Sabzi Mandi', Maqsudan, Jalandhar and that about 25 days earlier he after leaving his son with Bhim Kumar had left for his native village and his

son had been residing in the house of Bhim Kumar. It is alleged that on 12/13.07.2018, Bhim Kumar informed him telephonically that his son Sanjay was seen carrying mobile phone of “Oppo” brand and when he had inquired about the same from Sanjay he had not given any definite answer and that presently Sanjay is not traceable. The complainant thus alleged that his son Sanjay has been abducted by somebody with evil intentions.

3. Learned counsel for the petitioner has submitted that in fact the petitioner had simply informed father of Sanjay about the fact that his son was missing and that he is unnecessarily being harassed by the police. It has also been stated that the petitioner in fact is a juvenile being aged around 15 years.
4. Notice of the petition was issued and petitioner had been directed to join investigation.
5. Learned State counsel has today informed that the petitioner has since joined investigation. Upon instructions from ASI Avtar Singh learned State counsel has not disputed the fact that the petitioner is in fact aged less than 16 years.
6. In view of the aforesaid facts and the nature of allegations, I do not find it to be a case warranting custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 14.09.2018 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer

as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. The petition is accepted in the above mentioned terms.

10.01.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No