

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.17787 of 2020
Date of Decision: November 19, 2020

Nishan Singh

...Petitioner

Versus

State of Punjab & another

...Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Parshotam Lal Singla, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.31 dated 02.04.2018, under Sections 363, 366-A IPC, 1860, registered at Police Station, Sadar Gurdaspur, District Gurdaspur. The petitioner apprehended his arrest at the hands of police in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 08.07.2020, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.31 dated 2.4.2018 under Sections 363, 366-A IPC at Police Station Sadar Gurdaspur, District Gurdaspur.

The FIR was lodged at the instance of Ganesh Kumar wherein it has been alleged that his daughter went missing on 1.4.2018 and that he suspected that the petitioner had enticed away his daughter on the pretext of solemnizing marriage with her.

Learned counsel for the petitioner has submitted that the complainant's daughter had voluntarily left her house and had solemnized marriage with the petitioner on 2.4.2018 and ever since has been residing together with the petitioner happily as his wife and has also been blessed with daughter. It has further been submitted that complainant's daughter in any case has now attained majority.

Notice of motion for 19.11.2020.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation 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. ”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the police and joined the investigation. According to him, the petitioner cooperated with the police authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel does not dispute this fact that the petitioner has joined the investigation. Learned counsel, on instructions from ASI Kuldeep Singh, further states that the petitioner is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 08.07.2020 is made absolute.

November 19, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No