

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

203

**CRM-M-21532-2020
Decided on : 13.10.2020**

Deepak Kumar @ Deepa

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Bhupinder Ghai, Advocate for
Mr. Kiranpal Rana, Advocate for the petitioner.

Mr. A.A. Pathak, Addl. AG, Punjab.

Mr. Mohit Kakkar, Advocate for the complainant.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present petition filed under Section 438 Cr.P.C., seeks grant of anticipatory bail in case FIR No.94 dated 25.06.2020 under Sections 363, 366-A IPC, registered at Police Station Maqsudan, District Jalandhar Rural (Annexure P-1).

On 10.08.2020 the following order was passed :-

“Counsel *inter alia* contends that the FIR was lodged by the mother of the minor, who was around 17 years 6 months and 24 days on the date of the incident. The petitioner is her neighbour and the allegation is that she was missing from 1.00 p.m. till 5.00 p.m. and it is her statement that she had been taken on the motor cycle by the petitioner at 10.00 a.m. under the pretext of marriage. It is submitted that the minor is now safe in her parental house. Neither any medical as such has been done nor her statement under Section 164 Cr.P.C. has been recorded. Therefore, the custodial interrogation is not required and since they were in a relationship, they had gone out together but she had change of mind as such and

safely reached home. It is submitted that now a compromise has also been worked out which has been signed by the complainant also. It is submitted that no useful purpose would be served by taking the petitioner in custody.

Notice of motion.

Mr. Saurav Khurana, DAG, Punjab accepts notice on behalf of the State.

Adjourned to 13.10.2020.

In the meantime, it is directed that the petitioner shall join investigation and in the event of arrest of the petitioner, he shall be released on ad-interim bail subject to the satisfaction of the investigation officer. The petitioner shall join investigation as and when required and shall comply with the conditions laid down in Section 438(2) Cr.P.C.”

Counsel for the petitioner submits that the petitioner has joined investigation, which fact is vouched by counsel for the State on instructions received from ASI Sukhdev Singh. Counsel for the State also points out that there is no other case of similar nature pending against the petitioner.

It is also pertinent to notice that the compromise which has been relied upon, on the basis of the same a quashing petition bearing CRM-M-29949-2020 has now been filed.

Accordingly, in view of the above the present petition is allowed by confirming the interim order dated 10.08.2020.

OCTOBER 13, 2020
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No