

S.No.110

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

**CRM-M-28263 of 2020 (O&M)
Date of Decision:17.09.2020**

**Ankit @ Aniket Petitioner
Vs.
State of Punjab Respondent**

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IN VIRTUAL COURT
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CORAM:- HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Hemender Goswami, Advocate for the petitioner.

Rajbir Sehrawat, J.(Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No.18 dated 28.01.2020 registered under Sections 363, 366 IPC at Police Station Sadar, Ludhiana.

It is contended by counsel for the petitioner that the case against the petitioner is totally concocted. In fact, the daughter of the complainant had a love affair with the petitioner. That affair resulted into marriage between the two. Now the petitioner and the daughter of the complainant are living a happy married life. The present FIR would only disrupt their married life. In any case, the petitioner will join the investigation. Hence, the petitioner deserves to be protected against his arrest.

Notice of motion.

Mr. Hittan Nehra, Addl. AG, Punjab, accepts notice on behalf of the State.

Learned State Counsel, on instructions from ASI Harmesh Singh, has submitted that there are specific allegations against the petitioner. The daughter of the complainant is not located so far for a long time. The Police are to find out the whereabouts of the girl. Hence, the custodial interrogation of the petitioner is imperative.

In response to this, learned counsel for the petitioner has submitted that when the petitioner would go to join the investigation, the petitioner would bring his wife also along with him. The Police can even record the statement of his wife qua her consent.

In view of the above submissions, but without commenting upon merits of the case, the present petition is allowed subject to the petitioner appearing before the Investigating Officer within a period of 15 days from today. The petitioner is granted concession of anticipatory bail. Therefore, it is directed that in case the petitioner so appears before the trial Court within a period of 15 days from today, then he shall be released on bail on his furnishing bail bonds/ sureties to the satisfaction of Arresting/ Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

However, it is clarified that the petitioner shall be released on bail by the Investigating Officer only if he brings the daughter of the complainant along with him and produces her before the Investigating

Officer. Still further, it is clarified that if the petitioner does not bring the daughter of the complainant with him, when he comes to join the investigation then the present petition shall be deemed to have been dismissed without requiring any further orders from this Court.

September 17, 2020

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Whether Speaking/reasoned

Whether Reportable

(RAJBIR SEHRAWAT)

JUDGE

Yes/No

Yes/No