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

CRM-M No.32062 of 2020

Date of Decision: 27.10.2020

KAKA

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Digvijay Nagpal, Advocate
for the petitioner.

Mr. Ramdeep Pratap Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

The case has been taken up for hearing through video conferencing.

The petitioner seeks grant of anticipatory bail in case bearing FIR No.113 dated 02.07.2020, registered under Sections 363 and 366-A IPC at Police Station City-2, Mansa, District Mansa.

Learned counsel for the petitioner submitted that the FIR was registered at the instance of Balwinder Singh father of the prosecutrix. The bail was rejected by the Court of Sessions on the premise that the girl has not been recovered. Learned counsel by referring to the statement of the prosecutrix recorded under Section 164 Cr.P.C. submitted that the girl has made

specific statement before the Magistrate that she has solemnized marriage with the petitioner owing to the conduct of her parents in solemnizing her marriage with a person of old age of 50 years. She left the house of her own free Will and came to the house of petitioner. They left for Patiala and solemnized marriage there. After recording statement of the prosecutrix under Section 164 Cr.P.C., she has been allowed to go with *Taya* (uncle) of the petitioner and now she is living with him.

The statement of prosecutrix under Section 164 Cr.P.C. could not be denied by learned State counsel on instructions from ASI Ranjit Singh.

In view of above, the petition is allowed. Petitioner is directed to appear before the SHO/Investigating Officer to join investigation on 02.11.2020 and in the event of his arrest, he shall be released on anticipatory bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C:-

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;
- ii) that the petitioner shall not, directly or

promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

- iii) that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.

October 27, 2020

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No