

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

206

CRM-M-9174-2021 (O&M)

Date of Decision: 26.03.2021

SANDEEP SINGH @ SONU

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Mavpreet Singh, Advocate for
Mr. Fatehjeet Singh, Advocate for the petitioner.

Mr. Randhir Singh Thind. D.A.G. Punjab.

Mr. Tarun Sharma, Advocate for the complainant.

HARNARESH SINGH GILL, J.(Oral)

Status report by way of an affidavit dated 08.03.2021 of the Deputy superintendent of Police, (City) Ferozepur, filed in the Registry, is taken on record.

Prayer in the present petition is for grant of anticipatory bail in case FIR No.268 dated 23.12.2020 registered under Sections 366-A and 363 IPC, at Police Station Sadar Ferozepur, District Ferozepur.

Learned counsel for the petitioner states that as per the FIR, the only allegation against the petitioner is that on 22.12.2020 at 9:30 a.m., the father of the victim, namely, Kala Singh (complainant) saw him standing outside the school where he had dropped his daughter. He further states that the victim/daughter of the complainant while getting her statement recorded before the Illaqa Magistrate, has not raised any allegation against the petitioner. It is also stated that the victim was neither traced out nor recovered during the period 22.12.2020 to 09.02.2021.

Learned State counsel assisted by learned counsel for the complainant, while opposing the prayer for grant of anticipatory bail, has not disputed the aforesaid factual position.

I have heard the learned counsel for the parties.

The only allegation against the petitioner is that on 22.12.2020 at 9:30 a.m., Kala Singh (complainant/father of the victim), while dropping his daughter, saw the petitioner standing outside the school. There is no specific role attributed to the petitioner.

Keeping in view the facts and circumstances of the present case and without expressing any opinion on the merits of the case, this Court finds that the petitioner is not required for custodial interrogation and no useful purpose would be served by sending the petitioner behind the bars. Therefore, finding merit in this petition, the same is allowed. The petitioner is directed to join the investigation as and when called upon to do so and if he is sought to be arrested, he shall be released on anticipatory bail to the satisfaction of the Investigating Officer/Arresting Officer, subject to the condition as envisaged in Section 438(2) of the Code of Criminal Procedure.

It is made clear that if pursuant to and in compliance with this order, the petitioner does not cooperate with the Investigating Agency, the Investigating Agency would be at liberty to move an appropriate application for cancellation of bail.

26.03.2021

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*