

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

CRM-M-15333-2021 (O&M)

Date of decision: 03.08.2021

Shinder Kaur @ Mindo Bai and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. R.S. Sekhon, Advocate for the petitioners.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Shinder Kaur @ Mindo Bai and her husband Darshan Singh, both of them being accused in FIR No.27 dated 09.03.2021, for offences under Sections 363, 366-A and 120-B IPC, registered with Police Station Guru Harsahai, District Ferozepur.

Briefly stated the facts of the case as per prosecution story are that, Hardeep Singh son of the petitioners had kidnapped minor girl of complainant Prem Singh son of Karnail Singh, regarding which the matter was reported to the police; the complainant had alleged that Hardeep Singh had kidnapped his minor daughter with an intention to marry her, when he was already married and involvement of parents of

Hardeep Singh i.e. the petitioners in the whole episode was also there.

After registration of formal FIR, apprehending their arrest in this case, the petitioners had approached the Court of Sessions at Ferozepur, by moving an application for grant of pre-arrest bail. Such application which was assigned to Addl. Sessions Judge, Ferozepur was, however, dismissed, vide order dated 01.04.2021. Feeling aggrieved, the petitioners have approached this Court, by way of filing the present petition, notice of which was given to the State.

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioners has contended that petitioners are aged persons; they have nothing to do with the kidnapping of minor daughter of the complainant and they have been wrongly involved in this case simply for the reason that they are parents of Hardeep Singh. He has further submitted that the petitioners have joined the investigation, therefore, the interim bail granted to them, vide order dated 28.05.2021 be made absolute.

Learned State counsel on instructions from ASI Jaspal Chand has admitted the factum of petitioners having joined the investigation, further stating that custodial interrogation of the petitioners is not required for further investigation.

The case is still at the stage of investigation. Although, learned State counsel has contended that the minor girl has not yet been recovered and Hardeep Singh has not been arrested but I find that merely for that reason, the present petition cannot be disallowed when from the

facts and circumstances of the case, the involvement of the petitioners in the episode appears to be somewhat doubtful. Therefore, the interim bail granted to the petitioners, vide order dated 28.05.2021 is made absolute, subject to the following conditions:-

1. that the petitioners shall make themselves available for interrogation by a police officer as and when required;
2. that they shall not directly or indirectly make any inducement, threat 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 and;
3. that they shall not leave India without prior permission of the Court.
4. that they shall surrender their passports before the Investigating Officer and if they are not having passport, then, shall file the affidavits in that regard.

In case, the petitioners violate any terms & conditions, on which the bail has been granted to them, the prosecution would be entitled to apply for cancellation of bail.

Accordingly, the present petition is allowed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

03.08.2021

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No