

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-43143-2020 (O&M)
Date of Decision:-25.2.2021

Kamaljit

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Bhawesh Chaudhary, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Surinder Pal Singh.

Mr. Krishan Kanha, Advocate for the complainant.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.178 dated 17.10.2020 at Police Station Jalandhar Cantt., District Jalandhar under Sections 366-A and 363 of Indian Penal Code.
2. Vide order dated 25.1.2021, the following order was passed:

“ Learned counsel for the petitioner contends that the complainant’s daughter is aged more than 16 years and had voluntarily left her parental home so as to join the company of the petitioner. It has been submitted that the petitioner never influenced or enticed the complainant’s daughter in any manner and has not done any act which could be said to be any kind of mischief or offence and that the complainant’s daughter is still voluntarily living in the company of the petitioner.

In view of the aforestated position, the State is directed to do the needful to get the statement of the complainant's daughter recorded in terms of Section 164 Cr.P.C., in case the same has not been recorded already.

List on 25.2.2021.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. The learned State counsel has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation. It has further been informed that infact the statement of the victim has also been recorded in terms of Section 164 Cr.P.C., wherein she has not stated a word against the petitioner.
4. Mr. Krishan Kanha, Advocate representing the complainant has stated that the parties have amicably resolved the issues.
5. In view of the aforestated position, custodial interrogation of the petitioner is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 25.1.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

25.2.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No