

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

209

CRM-M-2629-2022

Date of Decision:12.09.2022

HAPPY SANDHU AND ANOTHER

...PETITIONERS

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Mohit Chaudhary, AAG, Punjab.

SUVIR SEHGAL, J.(ORAL)

On 31.01.2022, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case FIR No.319 dated 26.11.2021, registered under Sections 363 and 366 of IPC, 1860, at Police Station Phillaur, District Jalandhar.

State counsel submits that although the status report is not ready, he has sought instructions and can assist the Court.

Counsel for the petitioner submits that the FIR has been registered on the statement of grandmother of the victim on the allegation that the victim has been enticed by Happy Sandhu (petitioner No.1) and Anil (petitioner No.2) on the pretext of marriage. He submits that the victim went with them on 19.11.2021 at 12.00 noon and was recovered on the same evening. He asserts that there is no allegation of sexual assault against the petitioners and even the victim has not provided any proof of age to show that she is a minor.

State counsel, upon instructions from SI Kewal Singh, has referred to the statement under Section 164 Cr.P.C. of the prosecutrix. He fairly concedes that there is no allegation of rape against any of the two petitioners and the victim is yet to provide her birth certificate to the prosecution.

List on 26.04.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on their furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C. ”

Status report by way of an affidavit of Deputy Superintendent of Police, Sub-Divison Phillaur, District Jalandhar (Rural) has been filed on behalf of the respondent-State, which is taken on record.

Upon instructions from SI Baljeet Singh, State counsel submits that the petitioners have joined the investigation and they are not accused in any other criminal case. Upon further instructions, he submits that they are no longer required for custodial interrogation.

In view of the above, without commenting upon the allegations levelled in the petition, present petition is allowed and order dated 31.01.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

12.09.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No