

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

220

CRM-M-2562-2022
Date of decision: 20.04.2022

Rahul Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Atul Goyal, Advocate for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

While granting interim protection to the petitioner, on 21.01.2022, this Court passed the following order:-

“Heard through video conferencing.

Instant petition has been filed under Section 438 Cr.P.C seeking grant of anticipatory bail to the petitioner in case FIR No.119 dated 19.07.2021 registered under Sections 363, 366-A of Indian Penal Code, 1860, at Police Station Sadar, District Police Commissionerate Ludhina (Annexure P-1).

By referring to the representation dated 03.09.2021 (Annexure P-2), counsel for the petitioner submits that the victim, who is a 16 ½ years old girl, had left her paternal home as her father was pressurizing her to get married to a much older person. He submits that she had approached this Court through petitioner, who is her friend and this Court, vide order dated 08.09.2021 (Annexure P-3) had directed the official respondents to examine her representation. Still further, counsel

contends that the date of birth of the petitioner is 27.08.2003 as is reflected from his School Leaving Certificate (Annexure P-5) and the petitioner was a juvenile on the date of the alleged enticement. He submits that the minor is living with the petitioner and will appear before the Magistrate for recording of her statement in terms of the orders passed by this Court.

Notice of motion.

On asking of the Court, Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State.

List on 20.04.2022.

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

Petitioner is directed to produce the victim before the Magistrate concerned within a period of two weeks from today and get her statement recorded.

Since the victim is admittedly a minor, it will be open to the Magistrate to pass appropriate orders regarding her custody.”

Learned State counsel on instructions from ASI Gurpreet Singh, submits that the petitioner has joined the investigation and is no longer required for custodial interrogation. Still further, he submits that the statement of the victim has been recorded under Section 164 of the Code wherein she has

stated that she left her parental home on her own will and since she has been found to be a minor she has been sent to Gandhi Vanita Ashram, Jalandhar by the Magistrate.

In view of the said facts, without commenting on the merits of the case, the present petition is allowed and the order dated 21.01.2022 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.

20.04.2022

pooja saini

(SUVIR SEHGAL)
JUDGE

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