

CRM-M-8164-2019

Date of decision: 16.09.2022

TEK CHAND

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Impinder Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J. (ORAL)

Mr. Impinder Singh Dhaliwal, Advocate has put in appearance on behalf the petitioner and filed Vakalatnama, which is taken on record.

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.10 dated 18.01.2019, registered under Sections 363/366-A IPC, 1860 at Police Station City Malout, District Sri Muktsar Sahib.

Briefly, the FIR was registered on the basis of the statement of the complainant alleging that his daughter aged about 16 ½ years went missing from the house on 18.01.2019. It was suspected that the petitioner has kidnapped her on the pretext of marriage.

On 17.09.2019, the following order was passed:-

“In order to create the sense of security in the mind of Anuradha who has statedly solemnized marriage with the petitioner, learned counsel for the petitioner, on instructions from the petitioner who is present in the Court, states that the petitioner is ready to deposit a sum of Rs.2.5 lakh in the name of Anuradha. However, he prays for some reasonable time to make such deposits. Accordingly, petitioner shall deposit a sum of Rs.1 lakh within one month from today, whereas the

remaining amount of Rs.1.5 lakh shall be deposited by him within another six months. Petitioner shall produce an FDR for a period of three years in the name of Anuradha for a sum of Rs.1 lakh before this Court on the next date of hearing.

Adjourned to 24.10.2019.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on ad interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that the petitioner has solemnized marriage with the daughter of the complainant and they have been blessed with a son and daughter. The petitioner had deposited a sum of Rs.1,00,000/- in fixed deposit in terms of order dated 17.09.2019 and placed on record the copy of the FDR. FDR for the other amount of Rs.1,50,000/- has also been prepared in Indian Bank on 14.09.2022 bearing TDR No. 0144514 in the name of the daughter of the complainant. The copy has been placed on record. The daughter of the complainant is happily residing with both the minor children in the matrimonial house with the petitioner. In pursuance of interim directions, the petitioner has joined the investigation.

On instructions from ASI Gurmeet Singh, learned State counsel also submits that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 17.09.2019, granting interim bail to the petitioner is made absolute.

The petition is allowed.

16.09.2022
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(VIVEK PURI)
JUDGE

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