

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

210

CRM-M-13209 of 2022
Date of decision:05.09.2022

Jasvir Singh alias Judge

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Arjun Atri, Advocate
for the petitioner.

Mr. Mohit Chaudhary, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

On 30.03.2022, this Court passed the following order:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.11 dated 12.01.2022, registered for offences under Sections 363 and 366-A of the Indian Penal Code, 1860, at Police Station Samana, District Patiala (Annexure P-1).

Counsel for the petitioner submits that FIR (Annexure P-1) has been registered by the mother of a 17 year old girl (hereinafter be referred to as “the victim”) on the allegation that the petitioner has enticed the victim on the pretext of marriage. Counsel submits that the victim has returned to her home, her statement under Section 164, Cr.P.C. has been recorded, wherein she has stated that she left home on her

own. Still further, a reference has been made to the affidavit (Annexure P-3), claimed to be executed on 12.03.2022 by the complainant, wherein she has deposed that the petitioner is innocent.

Notice of motion.

On asking of the Court, Mr. Dhruv Dayal, Senior Deputy Advocate General, Punjab accepts notice on behalf of the State-respondent No.1. Upon instructions from Head Constable, Sahib Singh, he has affirmed the contents of the statement of the victim recorded under Section 164, Cr.P.C. before the Magistrate. He is assisted by Mr. Rakesh Gupta, Advocate for the complainant, who has filed Vakalatnama, which is taken on record. Counsel for the complainant submits that the affidavit (Annexure P-3) has been given by the complainant.

List on 05.09.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. 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.”

Upon instructions from HC Roop Singh, State counsel submits that petitioner has joined the investigation and is not required for custodial

interrogation.

In view of the above facts, but without commenting on the merits of the case, present petition is allowed and order dated 30.03.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

September 05, 2022

savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes/No</i>