

CRM-M-13516-2022

Date of decision: 18.05.2022

BALDEV GURU @ BALI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Manjinder Singh Saini , Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI,J. (ORAL)

On 31.03.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 19 dated 22.02.2022, registered under Sections 363/366-A IPC, 1860 at Police Station Mukandpur, District Saheed Bhagat Singh Nagar.

Briefly, the FIR has been registered on the basis of the statement of father of the victim alleging that the victim was aged about 16 years and 03 months. On 21.02.2022, she went missing from the house. It was suspected that the petitioner has taken her on the pretext of solemnizing marriage.

Learned counsel for the petitioner contends that at the earlier instance, the petitioner and the victim had instituted a petition for protection of life and liberty in this Court wherein the directions were issued in terms of order dated 09.03.2022 in CRWP-1916-2022 that in the event, the petitioner appears before the SSP, Saheed Bhagat Singh Nagar, the statement of the victim be got recorded before the concerned Magistrate. It has been further stated that though, the petitioner never appeared before the Senior Superintendent of Police but her statement under Section 164 Cr.P.C has been recorded wherein she has not imputed any allegation of kidnapping against the petitioner or leaving the house on his allurements.

Furthermore, she had refused to accompany her parents and is presently residing in Gandhi Vaneeta Ashram, Jalandhar.

Notice of motion.

Mr. A.A.Pathak, Addl. AG, Punjab accepts notice on behalf of the respondent-State.

Adjourned to 18.05.2022.

Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation.

On instructions from SI Tara Ram, learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 31.03.2022, granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under Section 438(2) Cr.P.C.

The petition is allowed.

18.05.2022
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(VIVEK PURI)
JUDGE

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