

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

206

CRM-M-20943 of 2021
Date of decision:07.02.2022

Chiman Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Kamal Narula, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

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 01.05.2021 registered for commission of offences under Sections 363, 366-A of Indian Penal Code, 1860 at Police Station Sadar Fazilka, District Fazilka (Annexure P-1).

As per the case of the prosecution, FIR (Annexure P-1) has been registered on the statement of mother of 16 years old victim on the allegation that she has been enticed by Chiman Singh (present petitioner) on the assurance of marriage and Chiman Singh had acted in connivance with one Gurmeet Singh.

While granting interim protection to the petitioner, this Court passed the following order on 26.05.2021:-

“This is an application that has been filed for grant of anticipatory bail to the petitioner.

Counsel for the petitioner would rely upon a statement of the victim recorded before the Illaqa Magistrate under Section 164 Cr.P.C. wherein, she affirmed that she had voluntarily accompanied the accused on account of the fact that her mother had subjected her to beatings without any reason. It is pleaded that the victim, daughter of the complainant, is enrolled in the 10th standard and is 16 years of age, therefore, she could have made allegations against the petitioner, which she did not. In fact, she was not inclined to go with her parents and became ready to reside at Gandhi Vanita Ashram, Jalandhar.

Notice of motion for 26.11.2021.

At this stage, Mr. Bhupender Beniwal, AAG Punjab, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State.

Meanwhile, the petitioner is directed to join the investigation within a period of one week and on his doing so, in the event of arrest the petitioner be released on interim bail to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and

when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

Upon instructions from SI Iqbal Singh, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. He has further instructions to state that the petitioner is not involved in any other criminal case.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed and the order dated 26.05.2021 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.

February 07, 2022
savita

(SUVIR SEHGAL)
JUDGE

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