

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

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CRM-M-21076-2022
Date of Decision :05.09.2022

Surmu

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Liaqat Ali, Advocate for the petitioner.

Mr. Inderpreet Singh Kang, AAG, Punjab.

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Harsimran Singh Sethi, J. (Oral)

Petitioner is seeking anticipatory bail in FIR No.50 dated 16.05.2021 registered under Sections 363 and 366 read with Section 120-B of the IPC at Police Station Taragarh Tehsil and District Pathankot.

Learned counsel for the petitioner submits that the petitioner has joined investigation in terms of order passed by this Court on 11.07.2022. Order dated 11.07.2022 is as under:-

“Learned counsel argues that the main allegations are against the co-accused Mohammad Rafi, who according to the FIR had enticed the minor daughter of the complainant and the only allegation against the petitioner is that he had accompanied Mohammad Rafi in the said act.

Learned counsel for the petitioner argues that the allegations against the petitioner are yet to be proved during the course of trial and Mohammad Rafi, against whom the main allegation has been alleged, has already been extended the concession

of anticipatory bail by a Coordinate Bench of this Court while passing order in CRM-M-11371 of 2022.

Learned counsel submits that keeping in view the said development, the petitioner be also extended the concession of anticipatory bail as the petitioner is ready to join the investigation and cooperate with the same as nothing is to be recovered from the petitioner. The minor daughter of the complainant has already been recovered and she has stated in her statement before learned Magistrate that she had gone as per her own will. Notice of motion for 05.09.2022.

Mr. Joginder Pal Ratra, Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State and conceded the factum that the main allegations in the FIR are against the co-accused Mohammad Rafi, who has already been extended the concession of anticipatory bail by the Coordinate Bench and the minor girl has already appeared before learned trial Court and given her statement. the records with their able assistance.

Though, the present is the second anticipatory bail petition but there is a substantial change in the case as the co-accused Mohammad Rafi, against whom the main allegation has been alleged, has been extended the concession of anticipatory bail by the Coordinate Bench. Further, the minor girl has already been recovered and has also given her statement before learned Magistrate. Nothing has been brought to the notice of this Court as to why the custodial interrogation of the petitioner is necessary in the facts and circumstance of the present case, especially when nothing is to be recovered from the petitioner.

Keeping in view the above, the purpose of justice will be served if the petitioner is permitted to join the investigation and cooperate with the same.

Ordered accordingly.

The petitioner is directed to join the investigation forthwith. In the event of arrest of the petitioner, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

It is, however, made clear that after the petitioner joins the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

Learned State counsel submits that in terms of the order of this Court reproduced before, the petitioner has joined investigation and he is not required for further interrogation, at this stage.

In view of the above, the order dated 11.07.2022 of this Court 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. He shall also join investigation as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the Investigating Agency that petitioner is required for the investigation but is not co-operating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

September 05, 2022
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No