

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

**CRM-M No.43103 of 2018 (O&M)
Date of Decision: 31.05.2022**

Suraj

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Ms. Manpreet, Advocate,
for Ms. Anju Arora, Advocate,
for the petitioner.

Mr. A.K. Sehrawat, DAG, Haryana.

None for the complainant.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in FIR No.51 dated 21.02.2018, under Sections 363 & 366-A of the Indian Penal Code, 1860, registered at Police Station Rania, District Sirsa.

2. It transpires that above FIR was registered on the basis of statement made by one Rakesh Kumar Makkar with the allegations that he is father of prosecutrix/victim whose date of birth is 15.08.2002 and student of 11th Standard. On 17.02.2018, there was a function in the school where she was studying. Prior to that function, prosecutrix had gone to the house of her friends, namely, Poonam & Mamta, daughters of Baldev. At about 9.00 a.m., petitioner eloped with victim and she did not come back home till late evening on 17.02.2018. Upon enquiry,

Complainant came to know that petitioner had enticed her away. The complainant

and his family members were fearing that petitioner could have done something wrong with his daughter. Till the time of registration of the FIR, prosecutrix could not be traced; thus, it was requested that her custody be restored back to the complainant.

3. This Court, on 06.10.2018, while granting interim bail to petitioner, passed the following order:-

“Mr. Gaurav Aggarwal, Advocate puts in appearance on behalf of the complainant and has filed the power of attorney.

Adjourned to 14.1.2019.

In the meanwhile, petitioner is directed to join the investigation and if he is sought to be arrested, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged in Section 438 sub Section 2 Clause (i)(ii) and (iii) of the Code of Criminal Procedure.”

4. Contends that in terms of the above order, petitioner has already joined the investigation and custodial interrogation is not required.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from the police official concerned and further stated that custodial interrogation of the petitioner is not required at this stage.

6. In view of above, interim order dated 06.10.2018 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.

8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.

Disposed off accordingly.

31.05.2022
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(MAHABIR SINGH SINDHU)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>