

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(213)

CRM-M-24133-2022

Date of decision: - 11.07.2022

Kapil

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Santosh Kumar Tripathi, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.109 dated 03.03.2022, under Sections 365 and 34 IPC, registered at Police Station Industrial Sector 29, Panipat.

On 30.05.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Learned counsel for the petitioners relies upon the order dated 16.05.2022 (Annexure P-2) passed by this Court in CRM-M-20859-2022.

Notice of motion for 1.07.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the

conditions as specified under Section 438(2) Cr.P.C.

To be heard along with CRM-M-20859-2022.

30.05.2022

**(MANOJ BAJAJ)
JUDGE”**

On 16.05.2022, the order passed by a Co-ordinate Bench of this Court in CRM-M-20859-2022, reproduced hereinbelow: -

“Learned counsel has argued that as per allegations, the petitioner who is mother of the child, allegedly kidnapped him from school, but according to him since the mother is lawful guardian, therefore, the commission of alleged offence of kidnapping would be debatable. He further submits that the complainant and petitioner are having a matrimonial dispute and at the instance of the petitioner, her husband and others are facing prosecution for alleged commission of offence punishable under Section 498-A IPC etc. However, in retaliation, the petitioner has been falsely implicated in this case.

Notice of motion for 21.07.2022.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on her furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.

At this stage, Mr. Pardeep Chhoker, Advocate on behalf of the complainant.

May 16, 2022

**(MANOJ BAJAJ)
JUDGE”**

Learned counsel for the petitioner has submitted that the petitioner is the real maternal uncle of the child, namely, Vinay, who has allegedly been kidnapped and in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions ASI Balkar Singh, has submitted that the petitioner has joined the investigation on 08.07.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 30.05.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 30.05.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

July 11, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	No