

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

CRM-M-26308-2022

Date of Decision: 01.09.2022

Sukhwinder Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. M.S. Basra, Advocate,
for the petitioner.

Mr. Tarun Aggarwal, Sr. D.A.G., Punjab.

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. 62 dated 15.04.2022, under Section 365 of the Indian Penal Code, 1860, registered at Police Station Beas, Police District Amritsar.

On 13.06.2022, a Co-ordinate Bench of this Court was pleased to pass the following order:-

“Counsel inter alia submits that Vanshroop Singh, the child is stated to be kidnapped on 24.12.2021. The FIR was only lodged on 15.04.2022 and the petitioner has been implicated on account of the fact that they are close relatives and the dispute is qua inheritance as the maternal grand father of the petitioner had divided the property in equal shares. The allegations in the FIR are that the petitioner and one unknown person had kidnapped the child and, therefore, the delay is fatal as such. It is submitted that the petitioner is willing to join investigation.

Notice of motion.

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

Adjourned to 09.08.2022.

In the meantime, it is directed that the petitioner shall join investigation and in the event of his arrest, he shall be released on ad interim bail by the Investigating Officer. The petitioner shall join investigation as and when required and shall comply with the conditions laid down under Section 438(2) Cr.P.C.

State shall also file an affidavit of the Investigating Officer giving details as to what efforts have been made to recovery the child since the last two months.

(G.S. SANDHAWALIA)

JUDGE

13.06.2022”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel has submitted that in pursuance of the order dated 13.06.2022, an affidavit has been filed by the investigating officer and as per the same, the child has been recovered.

He has further submitted that the petitioner has joined the investigation 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 13.06.2022 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 13.06.2022 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.

September 01, 2022	(VIKAS BAHL)
nitin	JUDGE
Whether speaking/reasoned	Yes
Whether Reportable	No