

206 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26632-2022
Date of Decision: 17.10.2022

AJAYPAL SINGH ALIAS AJAY ... PETITIONER
V/S
STATE OF PUNJAB AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Lupil Gupta, Advocate for the petitioner.

Mr. C.L.Pawar, Addl. AG Punjab.

* * *

VIVEK PURI, J. (ORAL)

On 02.08.2022, following order was passed in the main case:

“Petitioner is seeking anticipatory bail in case bearing FIR No.117 dated 26.11.2021 under Sections 363, 366-A registered at Police Station Chohla Sahib, District Tarn Taran.

Learned counsel for the petitioner states that the FIR has been registered on the basis of the statement of the father of the victim alleging that the victim is aged about 16 years. On 24.11.2021, she has been enticed away by the petitioner and another person on a motorcycle on the pretext of marriage.

It has been contended that in the statement under Section 164 Cr.P.C., the victim has not levelled any allegation with regard to any threat, pressure or allurement exercised upon her by the petitioner. Moreover, the date of birth of the victim in the Aadhar card, Annexure P-2 has been depicted as 02.02.2004. After attaining the age of majority, the victim has solemnized marriage with the petitioner and Annexure P-5 is the marriage certificate.

Notice of motion.

Ms. Ruchika Sabherwal, AAG Punjab accepts notice on behalf of the State.

Adjourned to 17.10.2022.

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.”

Learned counsel for the petitioner contends that in pursuance of the interim directions issued by this Court, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Gurpej Singh, submits that the petitioner has joined the investigation and his custodial interrogation is not required.

In these set of circumstances, sufficient exceptional circumstances are made out to extend the concession of pre-arrest bail to the petitioner. The order dated 02.08.2022 is made absolute.

The petition stands allowed.

17.10.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No