

201 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27477-2022
Date of Decision: 18.08.2022

MANDEEP KUMAR ALIAS MANI ... PETITIONER
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Anshul Sharma, Advocate for
Mr. S.S.Thakur, Advocate for the petitioner.

Mr. H.S.Sullar, DAG Punjab.

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VIVEK PURI, J. (ORAL)

Petitioner is seeking anticipatory bail in case bearing FIR No.
33 dated 18.03.2022 under Sections 363, 366-A and 120-B of the Indian
Penal Code, registered at Police Station Sadar, District Hoshiarpur.

On 27.06.2022, following order was passed in the main case:

“Inter alia contends that the daughter of the complainant had friendly relations with Abhay Sharma and on 04.08.2021, they both had run away from their respective house and FIR No.130 dated 05.08.2021 under Sections 363, 366-A and 120-B of the Indian Penal Code, 1860 was registered at Police Station Sadar Hoshiarpur and in the said FIR, the petitioner was not arrayed as an accused and thereafter, the said daughter of the complainant filed protection petition bearing No.CRWP-7742-2021 through the mother of co-accused Abhay Sharma namely Deepu and the same was disposed of by the Coordinate Bench of this Court vide order dated 16.09.2021 and in the said order, reference had been made to the statement made by the said daughter of the complainant under Section 161 Cr.P.C. that she had left the house after being harassed by her parents as they wanted to solemnize her marriage with some widower. It is further submitted that since, the daughter of the complainant was a minor, she was directed to continue to reside in Nari Niketan/Safe Home and thereafter, the said daughter of the complainant was released to her parents and subsequent to the same, again on 04.03.2022, the daughter of the complainant ran away with Abhay Sharma and after a period of 15 days, the

present FIR has been registered after implicating all the family members of Abhay Sharma including the present petitioner, who is the maternal Aunt's son (Masi's son) of the said Abhay Sharma. It is argued that no specific role has been attributed to the petitioner in the FIR and he is not involved in any other case.

Notice of motion for 18.08.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C. ”

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

Learned State counsel, on instructions from ASI Balvir Singh, has not assailed the aforesaid factual aspect and further contends that custodial interrogation of the petitioner 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 27.06.2022 is made absolute.

The petition stands allowed.

18.08.2022

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No