

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

111

CRM-M-27797-2022

Decided on :30.06.2022

Jasbir Singh @ Ajay and another

. . . Petitioners

Versus

State of Punjab

. . . Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

PRESENT: Mr. Prateek Pandit, Advocate
for the petitioners.

Mr. Sarabjit S. Cheema, AAG, Punjab.

Mr. Barjinder Singh, Advocate
for the complainant.

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.306 dated 07.10.2020 (which is the correct date as per vernacular FIR) registered under Sections 363 and 366-A of the Indian Penal Code, 1860 at Police Station City, Kapurthala, District Kapurthala.

Learned counsel for the petitioners has submitted that the FIR in the present case has been registered on the statement of Santokh Singh who had alleged that the petitioner No. 1 in connivance with his father (petitioner No. 2) had enticed away the daughter of the complainant. It is further submitted that the date of birth of the daughter of the complainant is 30.01.2003 and the petitioner No. 1 had married his daughter on 02.02.2021 on which date she was more than 18 years of age and the petitioner No. 1 and the said daughter of the complainant

had filed a petition for seeking protection of their life and liberty before this Court and a coordinate Bench of this Court vide order dated 05.02.2021 was pleased to dispose of the same and the Senior Superintendent of Police was directed to consider the representation submitted by petitioner No. 1 and daughter of the complainant and to ensure that no harm is caused to their life and liberty. It is further submitted that the matter has been settled and a compromise has been entered into between the complainant and the petitioners on 03.03.2021 and it has specifically been mentioned in the same that the complainant does not wish to pursue the matter and has no objection in case the FIR is quashed. The petitioners are stated to be not involved in any other case.

Notice of motion.

Learned State counsel is fully prepared to assist the Court and has opposed the present application for anticipatory bail and has submitted that there are allegations of beating the daughter of the complainant, who at the time of the registration of the FIR dated 07.10.2020 was 17 and a half years of age.

Mr. Barjinder Singh, Advocate has put in appearance on behalf of the complainant and filed his power of attorney, the same is taken on record. He has admitted the case of the petitioners and has also admitted the factum of compromise dated 03.03.2021 and the contents of the same and has submitted that the same has been entered into without any coercion and undue influence and has no objection in case

the present petition is allowed and the FIR against the petitioner is quashed and has also submitted that they have already filed a petition for quashing of the FIR on the basis of the compromise.

This Court has heard learned counsel for the parties and has perused the paperbook.

It is the joint case of the petitioners and the complainant that the daughter of the complainant was a major as on 02.02.2021 and on the said date, the petitioner No. 1 and the daughter of the complainant had solemnized their marriage and on that date, the daughter of the complainant and petitioner No. 1 had jointly filed a petition for protection of their life and liberty, which was disposed of by a coordinate Bench of this Court vide order dated 05.02.2021 with a direction to the Superintendent of Police concerned to consider their representation. The compromise dated 03.03.2021 has also been effected between the parties as per which the complainant has no objection in case the present petition is allowed and the FIR is quashed.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and in the event of arrest, the petitioner is granted the concession of anticipatory bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer and the conditions envisaged under Section 438(2) Cr.P.C. However, the petitioner shall join the investigation as and when called upon to do so.

It is made clear that in case, the petitioner fails to join the investigation or does not cooperate with the investigation, then the State would be at liberty to move an application for cancellation of the present anticipatory bail granted to the petitioner.

However, nothing stated above shall be construed as an 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.

(VIKAS BAHL)
JUDGE

June 30th,2022
Mehak

Whether reasoned/speaking?	Yes/No
Whether reportable?	Yes/No