

205 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27877-2022
Date of Decision: 05.07.2022

AJAY SINGH AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Avinash Mandla, Advocate for the petitioners.

Ms. Ruchika Sabherwal, AAG Punjab.

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VIVEK PURI, J. (ORAL)

Petitioners are seeking anticipatory bail in case bearing FIR No. 24 dated 24.02.2022 under Sections 363, 366, 34 IPC, registered at Police Station Shahpur Kandi, District Pathankot.

On 01.07.2022, following order was passed:

“Notices served upon the official respondent(s) through the State's counsel.

Given the nature of allegations, instructions/status report/response is required from the State, for which the State seeks time.

Consequently, in the event of arrest, the petitioners shall be released on interim bail, subject to furnishing bail/surety bonds to the satisfaction of the Arresting/Investigating Officer.

List on 05.07.2022.

It is made clear that the interim order shall continue till the next date only.”

Learned counsel for the petitioners contend that in pursuance of the interim directions, the petitioners had surrendered before the Police authorities and they have been released on interim bail. Furthermore, they have also joined the investigation. The victim in her statement under

Section 164 Cr.P.C. has not imputed any allegation of threat, pressure or allurements against the petitioners. She had voluntarily left the house and solemnized marriage with petitioner No.1. The date of birth of the victim as reflected in the School record is 26.03.2003 i.e. she was aged more than 18 years at the time of occurrence.

Learned State counsel, on instructions from ASI Gulshan Kumar, has stated that the petitioners have joined the investigation and their custodial interrogation is not required. It has also not been disputed that the victim has not imputed the petitioners with regard to any threat, pressure or allurements exercised upon her by the petitioners.

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 01.07.2022 is made absolute subject to the condition that the petitioners shall comply with other conditions as specified under Section 438(2) Cr.P.C.

The petition stands allowed.

05.07.2022

Janki

**(VIVEK PURI)
JUDGE**

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