

212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-30334-2022
Date of Decision: 16.09.2022

SONU @ BAKHSHISH MASIH ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Ms. Jaspreet Kaur Sandhu, Advocate
for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

On 18.07.2022, the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.14 dated 11.02.2022 under Sections 363, 366 and added later on 376, 120-B IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 registered at Police Station Kotli Surat Mallian, District Batala.

Learned counsel for the petitioner contends that the allegations with regard to kidnapping and sexual assault has been attributed to Harjinder Singh, co-accused. The name of the petitioner does not find mention in the FIR. The arrest of co-accused Harjinder Singh has been effected and the petitioner has been nominated in his disclosure statement. The allegations against the petitioner are to the effect that he had extended help to the petitioner and the victim in going to Amritsar and solemnizing the marriage.

Notice of motion.

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

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.

Adjourned to 16.09.2022.”

Learned counsel for the petitioner contends that in pursuance of interim directions issued by this Court, the petitioner has joined the investigation. Furthermore, neither the petitioner is owner nor in possession of motorcycle.

Learned State counsel, on instructions from ASI Harjeet Singh, submits that though the petitioner has joined the investigation, but motorcycle has not been recovered. On a query, learned State counsel submits that the registration number or the name of the owner of the motorcycle has neither been mentioned in the disclosure statement of the co-accused nor the same could be verified during the course of investigation.

In these set of circumstances, sufficient grounds are made out to extend the concession of pre-arrest bail to the petitioner. Accordingly, order dated 18.07.2022, vide which the petitioner has been granted interim bail, is made absolute.

Petition is allowed.

16.09.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No