

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(211)

CRM-M-37507-2021

Date of decision:- 24.08.2022

Sonu Tiwari

...Petitioner

Versus

The State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Harish Kumar, Advocate for the petitioner.

Ms. Kanica Sachdeva, AAG, Punjab
for State-respondent.

...

SUVIR SEHGAL, J. (Oral)

On 11.01.2022, this Court passed the following order:-

“Instant petition has been filed under Section 438 of Code of Criminal Procedure, 1973, seeking grant of anticipatory bail in case FIR No.343 dated 08.06.2021, registered under Sections 363, 366-A of IPC, 1860 at Police Station Zirakpur, District SAS Nagar, Mohali.

Counsel for the petitioner contends that though the FIR was lodged by the father of the victim on the allegation that the petitioner has enticed his daughter but it is clear from the status report filed by the State that it was the brother of petitioner, Monu Tiwari, who had enticed the girl and had solemnised marriage with her. In particular, counsel for the petitioner has made a reference to para 6 of the preliminary submissions of the affidavit which is reproduced hereunder:-

“That it is respectfully submitted that thereafter, on 07.07.2021, the victim was recovered from the house of the accused Monu Tiwari at Karum Tola and got identified from the complainant. Thereafter, the statement of the victim was got recorded under Section 164 Cr.P.C. before the Ld. Court. Since, the victim refused for the medical, therefore, the offences under Section 376 and

POCSO Act were not added into the array of Sections of the present case/FIR. Efforts were made to trace out the petitioner Sonu Tiwari, however, they could not be arrested as he had been evading his arrest and had been on a run.”

List on 29.03.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called for by the Investigating Officer 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.”

Upon instructions received from ASI, Gurmail Singh, State counsel submits that the petitioner has joined the investigation and he is no longer required for custodial interrogation. Still further, upon instructions, she submits that the statement of the prosecutrix, who is a minor, has been recorded under Section 164 of the Code of Criminal Procedure, 1973, wherein she stated that she left her paternal home of her own will and she has declined to undergo medical examination.

In view of the above, but without commenting on the merits of the case, present petition is allowed.

Order dated 11.01.2022 granting interim bail to the petitioner, is made absolute, subject to conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

24.08.2022

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No