

CRM-M-37720-2022

Date of decision: 15.11.2022

BALKAR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Veneet Sharma, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

On ,25.08.2022 the following order was passed:-

“Petitioner is seeking anticipatory bail in case bearing FIR No.154 dated 23.07.2022 under Sections 363, 366, 120-B IPC, registered at Police Station Ajnala, Amritsar Rural, District Amritsar.

Learned counsel for the petitioner contends that the FIR has been lodged at the instance of the father of the victim, who is stated to be aged about 17 years. The allegation against the petitioner is to the effect that about 3 months prior to the occurrence Jodha Masih, co-accused had teased the victim and the petitioner had threatened the complainant to refrain from reporting the matter to the police. Subsequently, on 23.07.2022, the victim went missing from the house and the allegations against the petitioner are to the effect that Jodha Masih, co-accused has kidnapped the victim on the pretext of solemnizing marriage in connivance with Jaggi Masih, Jagminder Singh @ Jagga and the petitioner. Furthermore, subsequent to the disposal of the bail application in the Court below, the victim has been recovered. In her statement recorded under Section 164 Cr.P.C. she has categorically stated that her parents under the influence of Satinder Singh intended to solemnize her marriage with someone else. On 23.07.2022, she had gone to Golden Temple, Amritsar and telephonically called Jodha Masih. She remained with him for a period of 10 days at Railway Station and Bus Stand. No force was used against her and there were no physical relations between them. Besides, the name of the petitioner does not find mention in the statement under Section 164 Cr.P.C.

Notice of motion.

Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State. On the instructions of ASI Sukhjit Singh, she has submitted that the victim had refused to get herself medically examined.

Adjourned to 15.11.2022.

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. ”

Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has joined the investigation.

On instructions from ASI Sukhjit Singh, learned State counsel has not disputed the aforesaid factual aspects and also submits that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the aforesaid submissions, the order dated 25.08.2022, granting interim bail to the petitioner is made absolute.

The petition is allowed.

15.11.2022
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(VIVEK PURI)
JUDGE

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