

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-38314-2022 (O&M)

Date of Decision: 24.11.2022

MANPREET SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Srishti Sharma, Advocate for
Mr. Gaurav Datta, Advocate, for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. Maninder Arora, Advocate, for the complainant.

* * *

VIVEK PURI, J. (ORAL)

On 23.09.2022 following order was passed:

“The petitioner is seeking anticipatory bail in case bearing FIR No.0110 dated 02.07.2022 under Sections 363/337/34 IPC (Section 354 IPC added later on) and Section 8 of POCSO Act, registered at Police Station Amloh, District Fatehgarh Sahib.

Briefly, as per the allegations, on 02.07.2022, the victim, aged about 12 years, was kidnapped by three persons in a Verna car bearing registration number PB-22D-0080. The complainant is the uncle of the victim and he came in front of the car to stop it. The driver of the car rammed in him and he fell on the ground. Meanwhile, the nephew of the complainant also arrived on a motorcycle and they followed the car. When they reached near Desh Bhagat college, the car was stopped and the victim was taken out, who was sitting on the rear seat on the car.

Learned counsel for the petitioner submits that the petitioner has not been named in the FIR and the accused have been nominated in the supplementary statement of the complainant which has been recorded after two days. Even, no specific role has been assigned to the petitioner in commission of crime. In the supplementary statement, besides the name of the petitioner, two other persons, namely, Sanjay Kumar and Karanpreet Singh have been nominated as an accused, who have been released on regular bail. The petitioner is not the owner of the car which was used in kidnapping. Even, there is no allegation levelled by the victim with regard to sexual assault in her statement under Section 164 Cr.P.C.

Adjourned to 24.11.2022.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.”

Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of the interim directions issued by this Court.

Learned State counsel, on instructions from ASI Tilak Raj, has not disputed the aforesaid factual aspect and has stated that custodial interrogation of the petitioner is not required.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 23.09.2022 is made absolute.

The petition stands allowed.

(VIVEK PURI)
JUDGE

24.11.2022
Janki

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