

210-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-39047-2022

Date of decision: 15.11.2022

JAGMINDER SINGH @ JAGGA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Veneet Sh, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

On 31.08.2022, the following order was passed:-

"Petitioner is seeking anticipatory bail in the 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 allegations on the basis whereof FIR has been registered are to the effect that about 03 months prior to occurrence, Jodha Masih, co-accused had teased the victim and Balkar Singh, the father of 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, Balkar Singh and the petitioner. Furthermore, the victim has been recovered on 16.08.2022. 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 petitioner does not find mention in the statement under Section 164 Cr.P.C. The allegations against the petitioner are also to the effect

that he had made a telephonic call to the complainant after the occurrence and informed him that on his failure to perform the marriage of the victim with Jodha Masih, the occurrence has taken place and he may do whatsoever he wants. It has been further submitted that the petitioner had only made a casual telephonic call to know the well being of the family of the complainant as they were known to each other. Furthermore, Balkar Singh, the father of the petitioner has been granted interim bail in terms of order dated 25.08.2022 passed in CRM-M-37720-2022.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab accepts notice on behalf of the respondent-State. On instructions from ASI Sukhjeet Singh, she submitted that the victim has refused to get herself medically examined and has not disputed the fact that the victim has not implicated the petitioner in her statement recorded under Section 164 Cr.P.C.

To be heard along with CRM-M-37720-2022 on 15.11.2022.

Meanwhile, it is directed that 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 Sukhjith 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 31.08.2022, 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