

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(201)

CRM-M-35905-2019
Date of decision:- 19.01.2022

Sushil Kumar Dhingra and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Pratham Sethi, Advocate for the petitioners.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL, J. (Oral)

Heard through video conferencing.

Petitioners have approached this Court under Section 438 of the Code of Criminal Procedure, 1973 seeking pre-arrest bail in FIR, Annexure P-1, which has been registered on the complaint of the District Child Protection Officer, Fatehgarh Sahib on the allegation that the petitioners had kept a minor girl as bonded labour at their residence and they were physically assaulting, torturing and getting all household chores done from her. The FIR was lodged after the minor girl was rescued from the house of the petitioners.

While issuing notice of motion, this Court vide order dated 30.08.2019 stayed the arrest of the petitioners. Subsequently, after interacting with the minor, this Court passed the following order on 16.08.2021.

“The instant petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioners in FIR No. 141 dated 13.06.2019 under Sections 370, 509, 355, 342, 323, 506 and 120-B IPC and Sections 75, 79, 81 and 87 of Juvenile Justice (Care and Protection of Children) Act, 2015, Section 16 of Bonded Labour System (Abolitions) Act, 1976 and Section 14 of Child Labour

(Prohibition and Regulation) Act, 1986 registered at Police Station Sirhind, District Fatehgarh Sahib (Section 370 IPC 1860 and Section 81 of Juvenile Justice (Care and Protection of Children) Act, 2015 deleted later on).

Vide an order dated 13.01.2020 there was a direction to ensure the presence of the victim whose statement under Section 164 Cr.P.C. was recorded, to remain present in the Court. Today when this Court interacted with the victim in the presence of Ms. Jaya Sharma an official of the safe house, where she is presently staying, the victim in the said case submitted that she was working in the house of the petitioners as a maid to take care of their young child and that she was not harassed in any manner whatsoever by the petitioners.

The petitioners are directed to join the investigation within a period of one week and on their doing so in the event of their arrest, the petitioners be released on interim bail subject to their furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

Adjourned to 19.01.2022.”

Learned State counsel, upon instructions, from SI, Pawan Kumar, submits that the petitioners have joined the investigation and they are no longer required for custodial interrogation.

In view of the above facts, but without commenting on the merits of the case, the present petition is allowed. Order dated 16.08.2021 is made absolute, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure.

(SUVIR SEHGAL)
JUDGE

19.01.2022
Kamal

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