

CRM-M-45620-2021

Date of decision: 05.04.2022

LAKHVEER SINGH ALIAS LAKHI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Harsh Goyal, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

Mr. J.S. Dosanjh, Advocate for the complainant.

VIVEK PURI, J. (ORAL)

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No. 175 dated 28.08.2021, registered under Sections 363/366-A IPC, 1860, at Police Station Sadar Dhuri, District Sangrur.

On 23.11.2021, the following order was passed:-

“Reply by way of affidavit of Parminder Singh PPS, Deputy Superintendent of Police, Sub-Division, Dhuri, District Sangrur on behalf of the respondent-State has been filed in the Court and the same is taken on record.

Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner namely Lakhveer Singh @ Lakhi in case FIR No.175 dated 28.08.2021, registered under Sections 363/366-A IPC, 1860, at Police Station Sadar Dhuri, District Sangrur.

Briefly, the case has been registered on the statement of the father of the victim alleging that during the intervening night of 26.08.2021 and 27.08.2021, his daughter aged about 15 years went missing from the house and on inquiry he came to know that she has been kidnapped by the petitioner by giving allurements of marriage.

As per reply, the victim came to the police station of her own on 03.09.2021 and a statement under Section 164 Cr.P.C. was recorded wherein she disclosed the

following facts:-

“My father is a drunkard and my mother is involved in wrong deeds. My brother used to beat me on the asking of my mother. I was upset from their act, so I went to Amritsar on 26.08.2021. I had some cash, but now I am left with no cash, so I returned back and went to Police Station. I am afraid that my parents will beat me again, so I do not want to go to my house. I do not know who is Lakhvir Singh”.

Besides, she also refused to get herself medically examined and she given in writing as following:-

“I am Kiranjit Kaur age about 15 years (D.O.B 19.05.2007) daughter of Nirmal Singh alias Nimma son of Bachittar Singh resident of Bendra. I am writing this without any fear with my free will and solid state of mind. On 27.08.2021, annoyed by my parents and brother Manpreet Singh, I went to Harmander Sahib, Amritsar and there was no one with me and I did not stay with anyone and nothing went wrong with me. I am voluntarily giving in writing and I do not want to have my medical examination done.

Learned State counsel has argued that the plea of the petitioner is to the effect that he was in relationship with the victim and he being minor the consent becomes immaterial. However, the statement of the victim under Section 164 Cr.P.C and at the time of her medical examination indicate that nothing has been imputed to the petitioner and even the victim has deposed to the effect that she does not know the petitioner.

Adjourned to 08.03.2022.

Meanwhile, it is directed that in the event of arrest, the petitioner(s) be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he/they join the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.”

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

Learned State counsel has not assailed the aforesaid factual aspects and states that the petitioner has joined the investigation and his custodial interrogation is not required.

granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions stipulated under
Section 438(2) Cr.P.C.

The petition stands allowed.

05.04.2022
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(VIVEK PURI)
JUDGE

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