

CRM-M-44944-2022

Date of decision: 15.11.2022

RAHUL MASIH @ JAGGI MASIH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Jatinder Singh Gill, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI, J. (ORAL)

On 11.10.2022, the following order was passed:-

“Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.154 dated 23.07.2022, registered under Sections 363/366/120-B IPC, 1860 at Police Station Ajnala, 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. On 23.07.2022, the victim went missing from the house and the allegations are to the effect that Jodha Masih, co-accused had kidnapped the victim on the pretext of solemnizing marriage in connivance with the petitioner, Jagminder Singh @ Jagga and Balkar Singh. 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 informed Jodha Masih. She remained with him for a period of 10 days at Railway Station and Bus Stand but no force was used against her and there were no physical relations between them. The name of the petitioner does not find mention in the statement under Section 164 Cr.P.C. The only allegation against the petitioner as levelled in the FIR is to the effect that on seeing the complainant, he informed the co-accused that the complainant and his wife have left the village. Furthermore, Balkar Singh, co-accused has been granted interim bail by this Court. Notice of motion.

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

Adjourned to 15.11.2022.

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

To be heard along with CRM-M-37720-2022.”

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 11.10.2022, 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