

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(103)

CRM-M-51286-2022

Date of decision : 08.12.2022

Manpreet Singh @ Mani

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Raghav Goyal Chandiwalla, Advocate
for the petitioner.

...

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 (for short “the Code”) for grant of anticipatory bail in FIR No.144 dated 17.11.2020, Annexure P-1, registered for offences under Sections 363, 366-A, IPC, however, Section 34, 376, IPC, and Section 4 of Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”), were added, later on, vide General Diary No.13 dated 02.01.2022, Annexure P-2, at Police Station Lakhewali, District Sri Muktsar Sahib.

Counsel for the petitioner contends that FIR, Annexure P-1, has been registered on allegation that two young girls went missing from their respective parental homes and have been enticed by unknown persons. Counsel submits that the petitioner, who has named as an accused, is

alleged to have allured one of the victims, was released on regular bail by the Trial Court vide order dated 30.12.2020, Annexure P-4, for offences under Sections 363, 366-A and 34, IPC. He submits that the petitioner has married the victim after she attained majority and they are living together as a married couple. He submits that on a joint petition preferred by the petitioner and the victim seeking protection, Sessions Court, vide order dated 25.02.2022, Annexure P-6, directed the official respondents to protect their lives and liberty. Reliance has also been placed upon the statements of both the petitioner and the victim, Annexures P-7 and P-8, respectively. He submits that on addition of offence under Section 376, IPC, and Section 4 POCSO Act, petitioner approached the Trial Court seeking pre-arrest bail, which has been declined by learned Additional Sessions Judge, Sri Muktsar Sahib, vide order dated 05.04.2022, Annexure P-9. Counsel submits that the custodial interrogation of the petitioner is not required and after his release on regular bail vide order, Annexure P-4, he has not misused the concession of bail.

Notice of motion.

On asking of the Court, Mr. P.S.Grewal, DAG, Punjab, accepts notice on behalf of the respondent-State. He has filed an affidavit of Deputy Superintendent of Police, Sub Division Malout, District Sri Muktsar Sahib, which is taken on record and has opposed the petition. He submits that the factum of marriage has been affirmed. Still further, he submits that the victim is living in the house of her in-laws as petitioner's wife.

Heard counsel for the parties.

In view of the judgement of Supreme Court in *Manish Jain Versus Haryana State Pollution Control Board, 2020 (20) SCC 123*, petition seeking anticipatory bail after arrest, is not maintainable.

In view of the facts as brought forth by the counsel for the petitioner during arguments and the matrimony between the parties, it is directed that in case the petitioner surrenders before the Trial Court within two weeks from today, joins the proceedings and files an application seeking grant of bail, the Trial Court shall release him on regular bail on his furnishing bail/surety bonds to its satisfaction.

Petition is disposed of.

(SUVIR SEHGAL)
JUDGE

08.12.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes