

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(211)

CRM-M-2326 of 2023
DATE OF DECISION:-23.03.2023

Deepak Bahadur Gharti

...Petitioner

vs.

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Karandeep, Advocate, for
Mr. J. S. Toor, Advocate, for the petitioner.

Mr. Tarun Aggarwal, Sr. DAG, Punjab.

HARKESH MANUJA, J.

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner prays for grant of pre-arrest bail in case FIR No.217 dated 02.11.2022 (Annexure P-1) under Section 3, 14 of The Child Labour (Prohibition and Regulation) Act, 1986 and Section 79 of The Juvenile Justice (Care and Protection of Children) Act, 2015, registered at Police Station City Budhlada, District Mansa.

This Court, while issuing notice of motion on 17.01.2023, passed the following order :

“Learned counsel for the petitioner inter alia submits that even as per the FIR, the age of Kishan was never mentioned therein. He further submits that though interim protection was granted in favour of the petitioner, however in pursuance thereof the petitioner could not appear resulting into dismissal of his application by the learned Court below. Learned counsel for the petitioner submits that even as on today he is ready to join the investigation and to cooperate with the investigating agency.

Notice of motion for 23.03.2023.

In the meanwhile, petitioner will join investigation

before the Investigating Officer as and when called. In the event of his arrest, the Arresting Officer would admit him to interim bail, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

Learned counsel for the petitioner states that in pursuance of order dated 17.01.2023 passed by this Court, the petitioner has already joined investigation.

The above factual position is duly acknowledged by learned State counsel, on instructions from ASI Salwinder Singh, P.S. Budhlada, by submitting that the petitioner has joined investigation and his custodial interrogation is no longer required in this case.

In view of the above, the petition is allowed. Interim order dated 17.01.2023 is hereby made absolute, subject to all the conditions as envisaged under Section 438(2) Cr.P.C.

23.03.2023
anil

(HARKESH MANUJA)
JUDGE

whether speaking/reasoned: Yes/No
whether reportable: Yes/No