

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

203

CRM-M-8845-2023 (O&M)
Date of order: 31.07.2023

Niku @ Jugraj Singh

.....Petitioner(s)

Vs.

State of Punjab

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Mukesh Kumar Bhatnagar, Advocate
for the petitioner.

Mr. Pankaj Khullar, AAG Punjab.

Nidhi Gupta, J.

Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.190 dated 28.09.2022 registered under Sections 363 and 366-A IPC (Section 376 IPC and Section 6 POCSO Act added later on) at Police Station Sadar, District Tarn Taran.

Mr. Amit Arora, Advocate puts in appearance on behalf of the complainant and files Vakalatnama which is taken on record.

On 20.02.2023, this Court had passed the following order:-

“This is a petition under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in FIR No.190 dated 28.09.2022, under Sections 363, 366-A IPC (Section 376 IPC and Section 6 of POCSO Act, 2012 added later on), registered at Police Station Sadar, District Tarn Taran.

Learned counsel for the petitioner contends that as per the FIR, the only allegation against the petitioner is that he was driving the motor cycle on which the victim was taken away by the co-accused to his

house. He is not alleged to have committed the offences under Section 376 IPC or Section 6 of POCSO Act, 2012. He further submits that the victim willingly accompanied the coaccused and stayed with him for about seven weeks. She was allegedly enticed away from Tarn Taran on 28.09.2022, but recovered from Jalandhar on 20.11.2022 with the co-accused.

Notice of motion.

Mr. Jashandeep Singh, AAG, Punjab, accepts notice on behalf of respondent-State.

Adjourned to 18.05.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C.”

Learned State counsel, on instructions from ASI Kuldeep Singh states that in terms of the order passed by co-ordinate Bench of this Court, reproduced above, the petitioner has joined the investigation and no further interrogation is required at this stage.

In view of the above, the order dated 20.02.2023 granting interim bail to the petitioner is made **absolute**.

However, the petitioner shall abide by following conditions:-

- i) He shall join the investigation as and when required by the Investigating Officer.
- ii) He shall not offer any threat, promise or inducement to any person acquainted with the facts of the case so as to dissuade him from

disclosing the same to the Investigating Officer/Court; and

- iii) He shall not leave the limits of this country without prior permission of the Court.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, they will be at liberty to approach this Court for passing appropriate orders.

31.07.2023

Sunena

(Nidhi Gupta)

Judge

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