

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

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CRM-M-10766-2022

Date of Decision: 25.01.2023

Gurpreet Singh**...Petitioner****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Paras Jagga, Advocate for
Mr. Sukhbir Maandi, Advocate, for the petitioner

Mr. Digvijay Nagpal, AAG, Punjab
(assisted by ASI Prabjit Singh)

JAGMOHAN BANSAL, J. (Oral)

On 24.03.2022, the following order was passed:-

“Instant petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail in FIR No.0012 dated 20.01.2022, registered for offences under Sections 363, 366-A and 120-B of the Indian Penal Code, 1860, at Police Station Ajnala, District Amritsar Rural (Annexure P-1).

Counsel for the petitioner submits that the FIR has been registered by the father of a 16 year old girl (for short “ the prosecutrix”) on the allegation that the petitioner has enticed his daughter on the pretext of marriage. He submits that allegations have also been levelled that Jaspreet Singh, Bunty and Gopi Baba have helped him in alluring his daughter. Counsel submits that pursuant to order dated 14.03.2022 passed by this Court, the prosecutrix has appeared before the Ld. Judicial Magistrate, Ajnala, her statement under Section 164, Cr.P.C. has been recorded and

she has stated that she is staying with her husband, Gurpreet Singh (present petitioner) and that she does not want to go to her paternal home as she apprehends that her parents will kill her. Counsel submits that as the victim has been recovered, petitioner is no longer required for custodial interrogation.

Notice of motion.

On asking of the Court, Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab accepts notice on behalf of the respondent-State. Upon instructions from SI, Rakesh Kumar, he submits that after recording her statement, the prosecutrix was sent to Sakhi Centre, Amritsar as her Covid19 test was to be conducted and she will be shifted to Children Home Gandhi Vanita Aashram, Jalandhar, today.

List on 29.08.2022.

Meanwhile, the petitioner shall join the investigation and would appear as and when called by the Investigating Officer. In the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. He shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, on instructions from ASI Prabjit Singh, submits that petitioner has already joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 24.03.2022 is made

absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

25.01.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>