

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

206

CRM-M-18913-2023

Date of Decision: 21.08.2023

Gagan Masih @ Gagan

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Ms. Aayushi Jindal, Advocate for
Mr. Umesh Aggarwal, Advocate for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab.

NIDHI GUPTA, J. (ORAL)

The petitioner is seeking anticipatory bail in FIR No. 368 dated 09.08.2022 (Annexure P-1) registered under Sections 363 and 366-A read with Section 34 IPC at Police Station Islamabad, Amritsar.

On 18.04.2023, this Court had passed the following order :-

“The present petition is for grant of anticipatory bail to the petitioner in FIR No.368 dated 09.08.2022 (Annexure P-1), under Sections 363, 366-A and 34 of IPC, registered at Police Station Islamabad, Amritsar.

Learned counsel for the petitioner submits that the complainant being parents of the girl are not ready to accept their relationship and, therefore, the present FIR is lodged. He further submits that, in fact, a protection petition was filed by the petitioner and daughter of the complainant before this Court. He further submits that even in the

statement recorded under Section 164 of Cr.P.C., the girl has specifically stated that she went with the petitioner out of her free will and consent and has also refused to get her medical conducted.

Notice of motion.

Mr. Arun Gupta, AAG, Punjab, assisted by ASI Rajinder Kumar, accepts notice on behalf of the respondent-State.

*Without commenting upon the merits of the case, the petitioner is directed to join investigation on **28.04.2023 at 10:00 A.M.** before the Investigating Officer and cooperate with the Investigating Agency, even thereafter.*

In the event of arrest, the petitioner be released on interim bail subject to furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer and the petitioner shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

*Adjourned to **21.08.2023.**”*

Learned counsel for the petitioner submits that in compliance of the order dated 18.04.2023 passed by this Court, the petitioner has joined the investigation.

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

In view of the above, the order dated 18.04.2023 granting interim bail to the petitioner is made absolute.

However, the petitioner shall abide by the conditions

stipulated under Section 438(2) Cr.P.C. He shall also join the investigation and cooperate with the investigating agency in case he is required for the same in future as and when called upon to do so.

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.

The petition stands disposed of.

21.08.2023

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**(NIDHI GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No