

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-27269-2023
Date of Decision: 12.10.2023

JAGDEEP SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. N.S.Sidhu, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.

* * * *

VIVEK PURI, J. (ORAL)

1. On 29.05.2023, following order was passed by the Co-ordinate

Bench:

“Prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.34 dated 04.05.2023 under Sections 363 and 366-A IPC, registered at Police Station Hathur, District Ludhiana, Rural.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case and the entire story narrated in the FIR is false and concocted.

Notice of motion.

On the asking of the Court, Mr.Arun Gupta, AAG Punjab, accepts notice on behalf of the respondent-State.

Learned State counsel, on instructions from ASI Surjeet Singh, submits that the prosecutrix has refused to undergo a medical and even in the statement under Section 164 Cr.P.C., she does not submit with regard to any wrong act, though, she submits that the petitioner has been pressurizing her for solemonziation of marriage.

Without commenting upon the merits of the case, it is directed that 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. However, the petitioner shall join investigation on 02.06.2023 at 10:00 AM, and co-opearate with the investigating agency, even thereafter and shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 27.09.2023.

Learned counsel appearing on behalf of the

respondent-State is also directed to file status report on or before the next date of hearing.

It is made clear that the interim arrangement made herein shall not be construed for deciding the petition on merits.”

2. Status report by way of affidavit of Rachhpal Singh, Deputy Superintendent of Police, Raikot, District Ludhiana (Rural) on behalf of the State has been taken on record.

3. Learned counsel for the petitioner contends that in pursuance of the interim directions, the petitioner has joined the investigation. However, in her statement under Section 164 Cr.P.C. the victim has not imputed any allegations with regard to kidnapping qua the petitioner. The only allegation against the petitioner is to the effect that he had been threatening her for the purpose of solemnizing marriage.

4. Learned State counsel, on instructions from ASI Surjit Singh, has submitted that though the petitioner has joined the investigation but his custodial interrogation is required.

5. However, it has not been disputed that in her statement under Section 164 Cr.P.C., the victim has not alleged use of any threat, pressure, force or allurement exercised upon her when she was allegedly taken by the petitioner. The petitioner has joined the investigation in pursuance of the interim directions and as such, his custodial interrogation is not required.

6. Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 29.05.2023 is made absolute.

12.10.2023

Janki

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No