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2023:PHHC:158249

IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

CRM-M-30115-2022

Date of decision: 11th December, 2023

Baljeet Singh @ Baljit Singh

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Manu Loona, Advocate for the petitioner.
Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J (ORAL):-
The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
237	30.08.2021	Sadar Fazilka, District Fazilka	363, 366-A of Indian Penal Code, 1860

2. The FIR was registered on the basis of statement of complainant ‘A’ (name withheld) alleging therein that the victim ‘P’ (name withheld) was his fifteen years old daughter. She was found missing from their house in the morning of 28.08.2023. He had made search for her and came to know that she had been enticed away by the petitioner-accused who was also missing from his house. His daughter had also taken away gold, silver jewelry as well as cash amount ₹ 30,000/- from the almirah of his house. After registration of FIR, investigation proceedings have been initiated and are going on.

3. The present petition has been filed by the petitioner on ground that he has been falsely implicated in this case. Infact, the daughter of the complainant has got married with him against his wishes. The petitioner and daughter of the complainant had even filed a petition seeking protection of

life and liberty as against the complainant. The daughter of the complainant has recorded her statement before the police as well as Magistrate under Section 164 Cr.P.C. saying that she is residing with the petitioner as per her own will and has solemnized marriages with him. His custodial interrogation is not required. The co-accused Suman Rani who is mother of the petitioner has been extended benefit of anticipatory bail. He is ready to join the investigation. Therefore, prayer has been made by him for allowing the same.

4. Vide order dated 15.07.2022, passed by this Court, the petitioner was released on interim bail and was directed to join investigation.

5. Learned State counsel filed status report, the same is taken on record. She further, on instructions from ASI Gurdev Raj states that the petitioner has joined the investigation. It is also submitted that the petitioner has got married with the victim and she is continuously residing with him. His custodial interrogation is no more required, nor any recovery is to be effected from him.

6. In view of the peculiar circumstance of the case when the victim is still residing with the petitioner for over a period of more than two years, in my considered opinion, no useful purpose would be served by detaining the petitioner in custody. Hence, the present petition is allowed and the order dated 15.07.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

[MANISHA BATRA]
JUDGE

11th December, 2023

Parveen Sharma

1. *Whether speaking/ reasoned*
2. *Whether reportable*

: *Yes / No*
: *Yes / No*