

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

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CRM-M No.31130 of 2023

Date of Decision : 07.08.2023

Naushad alias Mohd Noshad

....Petitioner

VERSUS

State of Punjab

....Respondent

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Sahil Parmar, Advocate for the petitioner.

Mr. M.S. Tiwana, AAG Punjab.

**ALKA SARIN, J. (Oral)**

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.70 dated 17.05.2023 under Sections 363, 366, 506, 465, 466, 468, 469, 470 and 471 of the Indian Penal Code, 1860 registered at Police Station Phase 8, District SAS Nagar (Mohali).

2. On 23.06.2023 the following order was passed :

*“The prayer in the present petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case bearing FIR No.70, dated 17.05.2023, under Sections 363, 366, 506, 465, 466, 468, 469, 470 and 471 of IPC, registered at Police Station Phase-8 State Cyber Crime, District SAS Nagar Mohali (Annexure P-2).*

*Learned counsel for the petitioner submits that the petitioner is brother-in-law of the co-accused Wasim*

*Ahmad. The minor girl of the complainant had gone with her own free-will with Wasim Ahmad. Now she is recovered and after recording of her statements under Section 164 Cr.P.C. her custody is already been given to her parents. The trial Court has mainly dismissed this application on the ground that a girl at that time was still missing.*

*Notice of motion.*

*At the asking of the Court, Mr. J. S. Arora D.A.G., Punjab, appears and accepts notice on behalf of respondent-State.*

*Adjourned to 07.08.2023.*

*Meanwhile, in the eventuality of arrest of the petitioner in the instant case, he shall be enlarged on interim bail subject to his furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The petitioner shall join the investigation as and when called upon to do so by the Investigating Agency. The petitioner shall abide by the following conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit:-*

- i) that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii) that the petitioner shall not, directly or indirectly make any inducement, threat or*

*promise to any person acquainted with the facts of the case as to dissuade him from disclosing such facts to the Court or to any police officer;*

*iii) that the petitioner shall not leave the country without prior permission to the Court and shall surrender his passport, if any.”*

3. Learned counsel for the petitioner states that the petitioner has since joined the investigation as directed vide order dated 23.06.2023 and fully cooperated.

4. Learned counsel for the State on instructions from ASI Satinder Singh has stated that the petitioner has since joined investigation and fully cooperated and that he is no longer required for further custodial interrogation as of now. It has further been stated that the challan has also been filed.

5. In view of the above, the order dated 23.06.2023 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

6. Disposed off accordingly. Pending applications, if any, also stand disposed off.

**( ALKA SARIN )**  
**JUDGE**

07.08.2023  
jk

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO