

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

(Sr. No.204)

CRM-M No. 41945 of 2022

Date of decision : 07.02.2023

Mahant Radha Giri

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. V. S. Rana, Advocate for the petitioner.

Mr. Arun Luthra, DAG, Punjab.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No. 117 dated 01.08.2022 registered under Sections 363 and 366-A IPC at Police Station Sadar Hoshiarpur, District Hoshiarpur.

On 09.11.2022, this Court had passed the following order : -

“On request of learned State counsel, hearing of the present petition is deferred to 07.02.2023.

Seeking ad interim anticipatory bail, learned counsel for the petitioner inter alia contends that the petitioner is a 47 year old transgender with no criminal antecedents; the allegations of enticing away the complainant's niece was against Karandeep Nahar; in the light of the statement by the complainant's niece made by her under Section 164 Cr.P.C. the afore allegations are ex facie false as she has stated before the learned Magistrate that she had left the complainant's house on her own; after the afore statement by his niece the complainant has sought to falsely embroil the petitioner in this case; the main accused namely Karandeep Nahar was arrested for allegedly enticing the complainant's niece and has already been arrested and is presently in custody; after the afore referred statement made by the complainant's niece she is presently housed at Nari Niketan, Jalandhar

and that the petitioner is also ready and willing to join and cooperate with the investigation.

In the meanwhile, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of the petitioner's arrest in FIR No.117 dated 01.08.2022 registered under Sections 363 and 366-A IPC at Police Station Sadar Hoshiarpur, District Hoshiarpur, the petitioner shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioner has joined and cooperated with the investigation and that his custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioner as have been recorded in the afore-quoted order and the statement made on behalf of the State, subject to the petitioner abiding by the conditions provided under Section 438 (2) Cr.P.C., the order of this Court dated 09.11.2022, granting ad interim anticipatory bail to the petitioner is ordered to be made absolute.

07.02.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No