

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

217+142

CRM-M-46580-2022 (O&M)
Date of Decision: 19.01.2023

Panna Lal

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Pradhuman Garg, Advocate for the petitioner

Mr. Amish Sharma, AAG, Punjab
(assisted by SI Manju Bala)

JAGMOHAN BANSAL, J. (Oral)

CRM-46705-2022

For the reasons assigned therein, application for placing on record amended petition, in compliance of order dated 23.11.2022, is taken on record.

Registry is directed to tag the same at appropriate place.

CRM stands disposed of.

CRM-M-46580-2022

On 07.10.2022, following order was passed:-

“ *Through instant petition under Section 438 of Code of Criminal Code, 1973, the petitioner is seeking anticipatory bail in FIR No.122 dated 24.07.2022 registered at Police Station Division 6, District Police Commissionerate, Jalandhar under Sections 363, 366-A, 376 and 120-B of Indian Penal Code and Section 4 of POSCO Act.*

Learned counsel for the petitioner inter alia contends that prosecutrix is not minor as per Aadhar Card and as per statement dated 27.07.2022 of prosecutrix under Section 164 Cr.P.C in afore-stated FIR, the prosecutrix had married to Suraj , who is son of the petitioner. As per aforesaid statement, the petitioner was opposing marriage of Suraj with Manjeeta-prosecutrix still they got married in the absence of petitioner. Marriage took place without consent of petitioner and he was not present at the time of marriage, thus, implication of petitioner in afore-stated FIR is prima facie false and concocted.

Notice of motion returnable for 19.01.2023.

On the asking of the Court Mr. Kirat Singh Sandhu, DAG, Punjab accepts notice on behalf of the respondent-State.

Meanwhile, the petitioner shall join the investigation and would remain present as and when summoned by Investigating Officer and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned State counsel, on instructions from SI Manju Bala, submits that petitioner has joined investigation and no custodial interrogation is required.

In view of statement of learned counsel for the parties, the petition is allowed and the interim bail granted to the petitioner vide

order dated 07.10.2022 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and Trial Court shall proceed without being prejudiced by observations of this Court.

(JAGMOHAN BANSAL)
JUDGE

19.01.2023
Mohit Kumar

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>