

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CRM-M No.44835 of 2023

Date of Decision : 16.12.2023

Harpreet Singh @ Happy

....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ishant, Advocate for
Mr. Narinder S. Lucky, Advocate for the petitioner.

Mr. Adhiraj Singh Thind, 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.113 dated 01.08.2023 under Sections 363 and 366 of the Indian Penal Code, 1860 registered at Police Station Sadar Hoshiarpur, District Hoshiarpur.

2. On 11.09.2023 the following order was passed :

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.113 dated 01.08.2023 under Sections 363, 366 of the Indian Penal Code, 1860 registered at Police Station Sadar, Hoshiarpur, District Hoshiarpur.

Learned counsel for the petitioner would contend

that this is a case of a run-away couple and the girl is aged about 17 years and 7 months. Learned counsel would further contend that even as per the statement of the victim recorded under Section 164 CrPC, on 17.08.2023 she has stated that she had gone voluntarily on 29.07.2023 with the petitioner to Chandigarh where she stayed for two days. Thereafter they came to Jalandhar where the petitioner came to know about the registration of the present FIR and hence he left her. It is further the contention that the victim was given an option of going back to her parents or to a Children Care and Protection Home, Jalandhar. She has opted to go to the Children Care and Protection Home, Jalandhar.

Notice of motion.

Mr. Adhiraj Singh Thind, AAG Punjab accepts notice on behalf of respondent-State of Punjab.

Learned State counsel on instructions from ASI Ranjit Singh is not in a position to deny that in the statement recorded under Section 164 CrPC the victim has stated that she had voluntarily gone with the petitioner on 29.07.2023. It has further been stated that the victim had refused to get her medical examination done.

List on 07.12.2023.

Meanwhile, the petitioner is directed to join

investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal bonds with adequate surety to the satisfaction of the Arresting Officer. The petitioner shall also abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

3. Learned counsel for the petitioner states that the petitioner has since joined the investigation and fully cooperated.

4. Pursuant to order dated 07.12.2023, Sh. Surendra Lamba, IPS, Senior Superintendent of Police, Hoshiarpur has come present and a reply by way of his affidavit has also been filed, which is taken on record. Registry to scan the same and tag at the appropriate place. It has been stated in the reply that departmental proceedings have been initiated against SI Amarjit Singh vide order dated 13.12.2023 and Sh. Jagir Singh, PPS, Deputy Superintendent of Police (PBI) has been appointed as Enquiry Officer. It has further been stated in the reply that the petitioner has since joined investigation and fully cooperated and that he is no longer required for further custodial interrogation as of now and further that the State has no objection if the order dated 11.09.2023 granting interim anticipatory bail to the petitioner is made absolute.

5. In view of the above, the order dated 11.09.2023 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.

16.12.2023
jk

(ALKA SARIN)
JUDGE

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