

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

CRM-M-50617-2022

Date of Decision:- 13.03.2023

GURPREET SINGH

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CRM-M-52028-2022

Date of Decision:- 13.03.2023

MALKEET SINGH @ MALKEET KACHURA

...Petitioner

Vs.

STATE OF PUNJAB

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Tarun Sharma, Advocate for the petitioner
in CRM-M-50617-2022.

Mr. Neeraj Madaan, Advocate for the petitioner
in CRM-M-52028-2022.

Mr. Kunwarbir Singh, AAG, Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioners – Gurpreet Singh and Malkeet Singh @ Malkeet Kachura have filed separate petitions under Section 438 Cr.P.C. for grant of anticipatory bail in FIR No. 0056 dated 23.07.2022, registered under Sections 366, 120-B of IPC at Police Station Amir Khas, District Fazilka. These petitions have arisen out of the same FIR, therefore, both the petitions are taken up together for disposal.

The facts of the case are that Avinash Chander – complainant gave his statement to the police that he is father of a son and a daughter i.e. the victim. The victim is studying in B.A. First Year in Government Girls College, Jalalabad. Her date of birth is 30.06.2002. On 17.07.2022, after having dinner, the entire family went to sleep in the courtyard of their house. At about 05:00 A.M, he woke up and saw that his daughter was not there. He along with his family tried to search her but could not locate her whereabouts. He came to know that his daughter has been enticed away on the pretext of marriage by Gurpreet Singh in connivance with his father Bhutto, Surinder Singh, Sita Bai, Rajni Rani, Kajal, Malkit Singh and Parvez Singh. With these allegations present FIR has been registered.

Learned counsel for both the petitioners argued that all the allegations levelled against them are false. In fact, Gurpreet Singh, one of the petitioner has performed marriage with the alleged victim. They were in relationship and after marriage, they filed Criminal Writ Petition No. 7046 of 2022 seeking protection of their life and liberty, which was disposed of vide order dated 25.07.2022, Annexure P-2. They have not committed any offence. They have already joined the investigation and they are still ready to do so. Even otherwise, the statement of the alleged victim has been recorded under Section 164 Cr.P.C. before the Judicial Magistrate. It is prayed that the interim bails already granted in their favour may be confirmed.

Learned counsel representing the State confirmed that as per ASI Chander Shekhar, the petitioners have joined the investigation and their custody is not required for any purpose. However, it is pointed out that Aadhar Card of Gurpreet Singh – petitioner is yet to be received.

I have considered the arguments and have gone through the status report already filed by learned counsel representing the State. In the status report also, it is confirmed that the petitioners have joined the investigation. The statement of victim has been recorded under Section 164 Cr.P.C. The petitioner Gurpreet Singh is ready to handover his Aadhar Card to the Investigating Officer. The present petitioners are not required for any other purpose. Therefore, considering these facts, the *ad interim* bail already granted in favour of petitioner Gurpreet Singh vide order dated 11.11.2022 and *ad interim* bail already granted in favour of petitioner Malkeet Singh @ Malkeet Kachura vide order dated 16.11.2022 are confirmed, subject to the conditions as enshrined under Section 438(2) Cr.P.C.

Both the petitions are, accordingly, accepted.

Pending application, if any, shall also stands disposed of.

Photocopy of this order be placed on the file of another connected case.

13.03.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No