

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

CRM-M-53817-2022

Date of decision: 04.09.2023

VAKEEL SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. L.M.Gulati, Advocate for
Ms. Jainika Jain, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. Status report by way of affidavit of Jasbir Singh, PPS, Deputy Superintendent of Police, Sub-Division Gidderbaha, District Sri Muktsar Sahib on behalf of the respondent-State has been filed and the same is taken on record.
2. On 21.11.2022, the following order was passed by the Co-ordinate Bench of this Court:-

“Petitioner has approached this Court praying for grant of anticipatory bail in case FIR No.08 dated 16.01.2022, under Sections 363, 366, 376, 120-B of IPC, later on offence Section 4 of POCSO Act added vide DDR No.24 dated 26.01.2022 (Section 366 IPC deleted and Section 366-A IPC added vide DDR No.40 dated 02.03.2022, P.S. Kotbhai, Sri Mukatsar Sahib).

It has been contended by counsel for the petitioner that the petitioner has been falsely implicated in this case. She submits that the petitioner being the maternal uncle i.e. mama of the main accused Lovedeep Singh, has been implicated in this case. She further submits that the prosecutrix was alleged to have been kidnapped on 14.01.2022 by Lovedeep Singh for alluring her on the pretext of marriage and thereafter, she was recovered on 23.01.2022 from Chandigarh. She submits that the petitioner has no role whatsoever in the same. She has submitted that earlier before lodging of the FIR being nephew of the petitioner, Lovedeep Singh, remained in the house of the petitioner that in itself is no ground to implicate him i.e. petitioner in the case. She submits that Lovedeep Singh is already in custody and the petitioner has no criminal

antecedents. She has submitted that no case for the custodial interrogation is made out. However, petitioner is ready to join investigation.

Notice of motion.

On asking of the Court, Mr. Sandeep Kumar, DAG, Punjab accepts notice on behalf of the respondent-State.

List on 13.03.2023.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation before the Investigating Agency/Officer. He shall abide by the following conditions as envisaged under Section 438(2) Cr.P.C:-

- 1. That the petitioner shall make himself available for interrogation by a police officer as and when required to do so.*
- 2. That the petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.*
- 3. That the petitioner shall not leave India without prior permission of the court.”*

3. Learned counsel for the petitioner contends that the petitioner has joined the investigation in pursuance of interim directions.

4. On instructions from ASI Gurmeet Singh, learned State counsel submits that the petitioner has joined the investigation, the investigation of the case is complete, challan has already been presented and the custodial interrogation of the petitioner is not required.

5. In view of the aforesaid submissions, the order dated 21.11.2022, granting interim bail to the petitioner is made absolute.

6. The petition is allowed.

04.09.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No