

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

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CRM-M-60694-2022

Date of Decision: 17.03.2023

Jharilal Mandal and Another**...Petitioners****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Ms. Komalpreet Kaur, Advocate for
Mr. Narinder Sharma, Advocate the petitioners

Mr. Amish Sharma, AAG, Punjab
(assisted by ASI Parminder Singh)

JAGMOHAN BANSAL, J. (ORAL)

On 23.12.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No. 102 dated 17.05.2021 under Sections 363, 366, 376, 120-B IPC read with Sections 4 and 6 of the POCSO Act registered at Police Station City, Gurdaspur.

Learned counsel for the petitioners contend that the primary allegations with regard to kidnapping of the victim, who is aged about 15 years, have been levelled against Subodh Kumar, who is son of the petitioners. The petitioners have not even named in the FIR.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of the respondent-State. She, on the instructions from ASI Jaswant Singh, submits that the petitioners have been declared as proclaimed offender and seeks adjournment to file reply in the matter.

Adjourned to 27.01.2023.

Reply be filed in the meanwhile”

On 20.02.2023, the following order was passed:-

“There is no order to join investigation.

In view of the fact that petitioners are parents of the boy with whom prosecutrix had eloped, prima facie they are not involved in the act and omission of their son; both are more than 50 years old, at the first instance, the petitioners are directed to appear before the Investigating Officer on 22.02.2023 and thereafter, as directed by Investigating Officer. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall co-operate the Investigating Officer.

If the Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the learned Illaqa Magistrate who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 17.03.2023.”

Learned State counsel, on instructions from ASI Parminder Singh, submits that petitioners have joined investigation and no custodial interrogation is required.

In view of the above, the petition is allowed and the interim bail granted to the petitioner vide order dated 20.02.2023 is made absolute subject to the conditions envisaged under Section 438(2) of Cr.P.C.

If the petitioners or their 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

17.03.2023
Mohit Kumar

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