

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

213

CRM-M-8198 of 2024

DATE OF DECISION :- 11.03.2024

Baldev Singh and others

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**Present:-** Mrs. Avin Kaur Sandhu, Advocate for the petitioners.

Mr. Anup Singh, AAG, Punjab.

SUMEET GOEL, J. (Oral)

1. On 16.02.2024, the following order was passed:-

“Apprehending their arrest in FIR No. 92 dated 09.06.2023 registered for offences punishable under Sections 363,366,376,511,506,120-B IPC and Section 4 of POCSO Act (added later on) at Police Station Batala, District Batala; the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Inter alia contends that the victim and the son of the petitioners namely Resham Singh were in a relationship on their own volition; such relationship is decipherable from the wedding photographs (Annexure P2), marriage certificate (Annexure P-3) as also an affidavit dated 31.05.2023 given by the victim (Annexure P-4); the petitioners have clean antecedents & are willing to join investigation and cooperate therein.

Notice of motion.

On asking of the Court, Mr. Adhiraj Singh, AAG, Punjab appears and accepts notice on behalf of the respondent-State.

Adjourned to 11.03.2024.

The petitioners are directed to appear before the Investigating Officer on 21.02.2024 at 11:00 A.M. in concerned Police Station and join investigation. In the event of arrest, the petitioners shall be released on interim bail subject to their

furnishing personal/surety bond(s) to the satisfaction of the Arresting Officer/Investigating Officer. As and when further called by Investigating Officer, the petitioners shall join the investigation. They shall abide by the condition(s) enumerated under Section 438(2) of the Cr.P.C.”

2. Learned State counsel, on instructions from ASI Devinder Singh has stated that pursuant to the order dated 16.02.2024, the petitioners have joined investigation and are no longer required for custodial interrogation.
3. In view of above, the present petition stands allowed and the interim order dated 16.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
4. This order should not be treated as “blanket” order. It will not be read granting petitioners indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioners violate any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
6. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

11.03.2024
P.Singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No