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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7956-2024 (O&M)

Date of Decision: 07.03.2024

JASPAL SINGH AND ANOTHER

.. Petitioners

Vs.

STATE OF PUNJAB

..Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rajesh Kapila, Advocate and
Ms. Himani Kapila, Advocate for the petitioners.

Mr. Anup Singh, AAG, Punjab.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in FIR No.10 dated 15.01.2024 registered for offences punishable under Sections 363 and 366-A IPC at Police Station Sadar Ferozepur, District Ferozepur.
2. On 15.02.2024, the following order was passed:-

“Apprehending their arrest in FIR No.10 dated 15.01.2024 registered for offences punishable under Sections 363 and 366-A IPC at Police Station Sadar Ferozepur, District Ferozepur; the petitioners have preferred this petition under Section 438 Cr.P.C. seeking pre-arrest bail.

Learned counsel for the petitioners relies upon the order dated 23.01.2024 passed in CRWP-646-2024 to contend that petitioner No.1 and the victim are in a live-in relationship; petitioner No.2 has been roped in only on account of being brother of petitioner No.1 who has eloped with the alleged victim & petitioners are willing to join investigation and cooperate therein.

Notice of motion.

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

Adjourned to 29.02.2024.

*The petitioners are directed to appear before the Investigating Officer on **19.02.2024** 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.”*

3. Learned State counsel, on instructions from ASI Balwinder Singh, has stated that pursuant to the order dated 15.02.2024, the petitioners have joined investigation and are no longer required for custodial interrogation.
4. In view of above, the petition is allowed and interim order dated 15.02.2024 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. This order should not be treated as “blanket” order. It will not be interpreted as 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.
6. 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.
7. Needless to say that anything observed herein above shall not be construed to be an opinion on the merits of the case.
8. Pending application(s), if any, shall also stand disposed off.

07.03.2024

Jasmine Kaur

Whether speaking/reasoned

Whether reportable

(SUMEET GOEL)

JUDGE

Yes No

Yes No