

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

201 CRM-M-14356-2019 (O&M)
Date of Decision: 05.03.2024

HUSSANDEEP SINGH AND ANOTHERPetitioners

VERSUS

STATE OF PUNJABRespondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Karanjeet Singh Brar, Advocate for the petitioners.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.
Mr. Malkiat Singh Hundal, Advocate for the complainant. .

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
14	20.02.2019	Police Station Sadar Batala, Police District Batala, District Gurdaspur	366, 380 of IPC

2. Learned State counsel as well as counsel for the complainant have submitted that the petitioner no.2 did not appear before the concerned DSP to join the investigation. Learned counsel for the petitioner submits that, at this stage, he does not want to pursue the present petition for grant of pre arrest bail qua the petitioner no.2 and, hence the petition qua her be treated to be dismissed as withdrawn. It is ordered to be so.

3. It is submitted by learned State counsel that the petitioner no.1 had appeared before the concerned DSP and had already joined investigation, however, no recovery has to be effected from him.

4. The FIR of this case has been registered against petitioner no.1 on the basis of complaint filed by the complainant-Sukhdev Singh alleging that his daughter-M(name withheld) who was married with one Jagjit Singh on 07.2.2019 had been brought by them at their house on 12.02.2019. However, on the same very night, she left their house with the petitioner no.1, who was friend of his brother and had visited the house of the complainant on that very day. It was also alleged that the daughter of the complainant had also taken away gold jewellery and Rs.40 lakhs approximately as well as amount of Rs.6 lakhs while eloping with the petitioner no.1.

5. After registration of the FIR, investigation proceedings were being initiated and are going on. It is pertinent to be mentioned here that since the petition has been filed originally by petitioner no.1 along with daughter of the complainant as FIR under Section 366 and 380 IPC had been registered against both of them, therefore, the present petitioner and the daughter of the complainant were directed to join the investigation vide order dated 19.02.2020 and they joined the same. In the meanwhile, the matter had been sent for Mediation also but no amicable settlement could be arrived at between the parties. The present petitioners were directed to join the investigation subsequently also on different dates and a perusal of records reveals the petitioner no.1 has done so. The custodial interrogation of the petitioner no.1 is no more required. The fact that no recovery of gold

jewellery or cash amount of Rs.6 lakhs allegedly taken by the daughter of the complainant could be effected from the petitioner no.1, is not a ground to deny the benefit of pre arrest bail to him. Keeping in view the facts and circumstances of the case, I am of the considered opinion that petition deserves to be allowed.

6. Accordingly, the petition is allowed and order dated 19.02.2020 whereby petitioner no.1 was directed to join the investigation and to be admitted to interim bail is made absolute subject to compliance of conditions under Section 438 (2) Cr.P.C.

05.03.2024

Deepak Patwal

**(MANISHA BATRA)
JUDGE**

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO