

208 IN THE HIGH COURT OF PUNJAB AND HARYANA
 CHANDIGARH
 CRM-M-16275-2023 (O&M)
 Date of Decision: 29.01.2024

SAIF

...Petitioner

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Navjot Singh, Advocate
 for the petitioner.

Mr. Subhash Godara, Addl. AG Punjab.

Mr. Sarvesh Kumar Gupta, Advocate for the complainant.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 76 dated 06.10.2022 registered under Sections 365 and 458 of Indian Penal Code and subsequently charges framed under Sections 365, 368, 182, 211, 195 and 120-B of Indian Penal Code at Police Station Sri Chamkaur Sahib, District Ropar.

2. On 29.03.2023, following order was passed:

“This is a petition under Section 438 Cr.P.C. seeking pre-arrest bail to the petitioners in case FIR No.76 dated 6.10.2022 under Sections 365, 458 IPC (charges framed under Sections 365, 368, 182, 211, 195 and 120-B IPC) registered at Police Station Sri Chamkaur Sahib, District Ropar.

The FIR was lodged on the statement of one Billan alias Billo alleging that her husband Babu Khan has abducted her brother Alam Ali's daughter.

Learned counsel for the petitioner contends

that after investigation no substance was found in the allegations against the petitioner, and he was placed in Column No. 2. It is only on the basis of confessional statement of coaccused Billan alias Billo, that the petitioner has been implicated in the case on the allegations that Babu Khan got the victim abducted through him. It has further submitted that during trial, the complainant's brother Alam Ali (victim's father) has testified as PW-1 and has totally disowned the prosecution version. His statement is on record as Annexure P-3, to the effect that he never got recorded any statement to the police regarding involvement of Billan alias Billo, Salim Ali and Saif Ali alias Bhau (present petitioner). Learned State counsel, on instructions from ASI Sohan Lal, is not in a position to dispute the facts aforestated. Notice of motion Mr. Jashandeep Singh, AAG, Punjab, accepts notice on behalf of the State and Mr. Sarvesh Kumar Gupta, Advocate, has put in appearance on behalf of Babu Khan, husband of the complainant, by filing vakalatnama.

Adjourned to 14.7.2023.

In the meanwhile, the petitioner shall join the investigation as and when called upon to do so by the Investigating Officer, and in the event of arrest he shall be released on interim bail to the satisfaction of Arresting Officer. The petitioner shall also abide by the conditions of Section 438 (2) Cr.P.C.”

3. Learned State counsel has filed the status report dated 29.01.2024 by way of affidavit of Jarnail Singh, PPS, Deputy Superintendent of Police, Sri Chamkaur Sahib, District Rupnagar on behalf of respondent-State of Punjab and on instructions from SI Rajender Kumar, submits that in compliance of order dated 29.03.2023 passed by this Court, the petitioner

has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 23.03.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

29.01.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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