



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

218

**CRM-M No.29310 of 2024
Date of decision : 13.8.2024**

Sandeep Singh**.....Petitioner****Versus****State of Punjab and another****.....Respondents****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Manu Loona, Advocate, for the petitioner

Mr. Anup Singh, AAG, Punjab

Mr. Arshdeep, Advocate, for respondent no.2

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for grant of anticipatory bail to the petitioner in case FIR No.43 dated 19.3.2024, under Sections 363, 366-A, 120-B of IPC, registered at Police Station Sadar Fazilka, District Fazilka.

2. On 4.6.2024, the following order was passed:-

The instant petition has been filed by the petitioner under Section 438 of Cr.P.C. seeking pre-arrest bail in case arising out of FIR No.43 dated 19.03.2024 registered under Sections 363, 366-A and 120-B of IPC at Police Station Sadar Fazilka, District Fazilka on the basis of the statement recorded by the complaint-'N' (name withheld) alleging therein that the victim who is her minor daughter had gone missing on 13.03.2024, when she had gone to take her examination in her school but did not return. She alleged that on making inquiries at own level, she had come to know that her daughter had been enticed away by the accused Jasvir Singh @ Jassa in connivance with his brother i.e. present petitioner as well as his mother. After registration of the FIR, the investigation is under way. He is



apprehending his arrest. The petitioner had filed two applications for grant of pre-arrest bail before the trial Court which were dismissed.

It is argued by learned counsel for the petitioner that there is nothing on record to show that he had hatched any conspiracy for the kidnapping of the daughter of the complainant. There is delay of 6 days in lodging of the FIR. The accused Jasvir Singh @Jassa and daughter of the complainant had filed a petition seeking protection of their life and liberty at the hands of complainant and his family members before this Court which stands dismissed as withdrawn. The petitioner is ready to join the investigation and his custodial interrogation is no required.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

At this stage, on oral request of learned counsel for the petitioner, the complainant is ordered to be impleaded as respondent No.2 in this petition. Amended memo of parties be filed by the counsel for the petitioner today, itself.

At this stage, Mr. Arshdeep Singh, Advocate appeared and has filed his vakalatnama on behalf of respondent No.2. The same is taken on record. He also seeks time to file reply.

Adjourned to 12.06.2024.

3. Thereafter, on 14.6.2024, the following order was passed:

Present petition has been filed under Section 438 of Cr.P.C., for grant of anticipatory bail to the petitioner in bearing FIR No.43 dated 19.03.2024 registered under Sections 363, 366-A, 120-B IPC at Police Station Sadar Fazilka, District Fazilka (Annexure P-1).

Status report by way of an affidavit of Rashpal Singh, PPS, Deputy Superintendent of Police (D), Fazilka, District Fazilka has been filed on behalf of State. A copy thereof has also been supplied to learned counsel for the petitioner.

Adjourned to 13.08.2024.

Meanwhile, in the event of arrest, the petitioner is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

4. Learned State counsel (on instructions from Inspector Lekh Raj) submits that pursuant to the orders dated 4.6.2024 and 14.6.2024, the petitioner has joined investigation and is no longer required for custodial interrogation.
5. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail on the ground that the allegations levelled against the petitioner are serious in nature and hence, the petitioner ought not to be extended the concession of anticipatory bail.
6. In view of the above, the interim order dated 14.6.2024, passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
7. This order should not be treated as “blanket” order. It will not be read granting petitioner 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.
8. Liberty is reserved in favour of State/complainant to move for cancellation/recall of this order in case the petitioner violates any condition stipulated under Section 438(2) Cr.P.C., 1973 or upon showing any other sufficient cause.
9. 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

13.8.2024
Ashwani

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