



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

229-2

CRM-M-37990-2024 (O&M)

Date of Decision: 13.12.2024

Preeti alias Manpreet

.... Petitioner

Versus

State of Punjab and another

.... Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. G.P.S.Randhawa, Advocate for the petitioner.

Ms. Aakanksha Gupta, A.A.G., Punjab.

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0044 dated 23.5.2024 (Annexure P-1) under Sections 363, 366-A and 120-B IPC, registered at Police Station Qila Lal Singh, District Batala.

On 06.08.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.0044 dated 23.5.2024 (Annexure P-1) under Sections 363, 366-A and 120-B IPC, registered at Police Station Qila Lal Singh, District Batala.

Learned counsel for the petitioner, inter alia, submits that the present FIR has been registered on the basis of statement of father of the victim. The petitioner has been not named in the FIR. The only role attributed to the petitioner in the statement of the



victim recorded under Section 164 Cr.P.C. is that she stopped the main accused Karan and the victim from coming back to the parental home of the victim. Learned counsel for the petitioner prays for grant of interim relief to the petitioner and undertakes that the petitioner will join the investigation and cooperate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and Mr. Ritesh Pandey, Advocate, who is present in the Court, filed Power of Attorney on behalf of respondent No.2, which is taken on record.

Learned counsel for the State assisted by learned counsel for respondent No.2 vehemently opposed the prayer made on behalf of petitioner and submits that the victim in the present case is only 15 years of age as her date of birth is 06.11.2009 and the date of incident is 21.5.2024. It is submitted that the victim being minor, any consent on her part is immaterial.

Learned counsel for the complainant vehemently submits that the police has not properly investigated the case as offences under Sections 376 and the POCSO Act are required to be added. It is submitted that in this regard the complainant has also filed a Criminal Writ Petition, which is pending before this Court.

However, learned counsel for the State seeks time to file the reply/status report in the matter.

Adjourned to 13.12.2024.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and in the event of his arrest, he shall be released on interim bail on his furnishing bail bonds to the satisfaction of SHO/Investigating Agency subject to the following conditions as envisaged under Section 438(2) Cr.P.C.



- i. *that the petitioner shall make himself available for interrogation before the Investigating Officer as and when required;*
- ii. *that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;*
- iii. *that the petitioner shall not leave the country, without prior permission of the Court and shall surrender his passport, if any.*

Meanwhile, State counsel is directed to file an affidavit/status report as to the exact role of the petitioner along with details of pending FIRs, if any, on or before the next date of hearing.”

Learned counsel for the petitioner submits that in compliance of the order dated 06.08.2024 passed by this Court, the petitioner has joined investigation on 19.08.2024.

Short reply dated 11.12.2024 filed by way of an affidavit of the Deputy Superintendent of Police, Sub Division Fatehgarh Churian, Police District Batala on behalf of respondent No.1-State in Court today is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

Learned counsel for the State, on instructions from ASI Sukhdev Singh, confirms that the petitioner has joined investigation on 19.08.2024 and is co-operating with the investigating agency, and no further interrogation is required, at this stage.



In view of the above, the order dated 06.08.2024 granting interim bail to the petitioner is made absolute.

However, the petitioner will abide by the conditions stipulated under Section 438(2) Cr.P.C. She will also join the investigation and cooperate with the investigating agency in case she is required for the same in future as and when called upon to do so.

In case at any given point of time hereinafter, it is felt by the investigating agency that the petitioner is required for the investigation but is not cooperating, it will be at liberty to approach this Court for passing appropriate orders.

The petition stands disposed of.

Pending application, if any, stands disposed of.

13.12.2024
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No