



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

CRM-M-39682-2024 (O&M)

Date of Decision: 13.12.2024

Paramjit Masih alias Pama and another

.... Petitioners

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Vipin Mahajan, Advocate for the petitioner.

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

NIDHI GUPTA, J. (ORAL)

Prayer in the 1st petition filed under Section 482 of BNSS, 2023 is for grant of anticipatory bail to the petitioner in case of his arrest, in case FIR No. 44 dated 23.05.2024 under Sections 363, 366-A, 120-B IPC (offence under Section 376 IPC added later on) registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur, Punjab (Annexure P-1).

On 14.08.2024, when this case was listed for hearing, following order was passed by this Court:-

“Prayer in the instant petition filed under Section 482 of the Bhartiya Nagarik Suraksha Sanhita is for grant of anticipatory bail to the petitioners in case of their arrest, in case FIR No. 44 dated 23.05.2024 under Sections 363, 366-A, 120-B IPC (offence under Section 376 IPC added later on) registered at Police Station Qila Lal Singh, Police District Batala, District Gurdaspur, Punjab.



*Learned counsel for the petitioners inter alia submits that the petitioner No.1 is the paternal uncle/fufad and petitioner No.2 is the paternal aunt/bua of the main accused Karan. It is submitted that the only reason that the petitioners have been embroiled in the present FIR is that the main accused Karan was residing in their home. It is submitted that the petitioners have no role to play in the alleged abduction of the victim on 21.05.2024. Furthermore, the FIR has been registered after a delay of 2 days i.e. on 23.05.2024 on the statement made by the father of the victim. It is further pointed out that the co-accused of the petitioners, who is sister-in-law/bhabhi of the main accused Karan, has also been granted anticipatory bail vide order dated 06.08.2024 (Annexure P-3) passed by this Court in **CRM-M-37990-2024** titled as '**Preeti alias Manpreet vs. State of Punjab and another**'. Learned counsel for the petitioners prays for grant of interim relief to the petitioners and undertakes that the petitioners will join the investigation and cooperate with the Investigating Agency.*

Notice of motion.

Mr. Kunwarbir Singh, Assistant Advocate General, Punjab accepts notice on behalf of the respondent-State of Punjab..

Learned State Counsel opposes prayer made on behalf of the petitioners 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 21.05.2024. It is submitted that the victim being minor, any consent on her part is immaterial.

In view of the facts as noticed above, the petitioners are directed to appear before the SHO/Investigating Officer to join investigation and cooperate with the Investigating Agency. In the event of their arrest, they will be released on interim bail on their 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 petitioners shall make themselves available for interrogation before the Investigating Officer as and when required;*
- ii. *that the petitioners 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 petitioners shall not leave the country, without prior permission of the Court and shall surrender their passports, if any.*

Learned counsel for the State is directed to file an affidavit/status report as to the exact role of the petitioners alongwith the details of pending FIRs, if any, on or before the next date of hearing.

List on 13.12.2024.”

Learned counsel for the petitioners submits that in compliance of the order dated 14.08.2024 passed by this Court, the petitioners have joined investigation on 21.08.2024.

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 the respondent-State in Court today is taken on record. A copy thereof has been supplied to learned counsel for the petitioners.

Learned counsel for the State, on instructions from ASI Sukhdev Singh, confirms that the petitioners have joined investigation on 21.08.2024 and are co-operating with the investigating agency, and no further interrogation is required, at this stage.



In view of the above, the order dated 14.08.2024 granting interim bail to the petitioners is made absolute.

However, the petitioners will abide by the conditions stipulated under Section 438(2) Cr.P.C. They will also join the investigation and cooperate with the investigating agency in case they are 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 petitioners are required for the investigation but are 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