

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

205

CRM-M-42600-2023 (O&M)
Date of Decision: 23.04.2024

Gurpreet Singh

..... Petitioner

Versus

State of Punjab

..... Respondents

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gursimran Singh Bawa, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J.

1. The petitioner herein, is seeking pre-arrest/anticipatory bail in case bearing FIR No.29 dated 22.05.2023 registered under Sections 363 and 366-A of IPC at Police Station Bhindi Saidan, District Amritsar Rural (Annexure P-1).
2. Vide order dated 23.01.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 23.01.2024 passed by this Court reads as under :-

“The petitioner herein, is seeking pre-arrest/anticipatory bail in case bearing FIR No.29 dated 22.05.2023 registered under Sections 363 and 366-A of IPC at Police Station Bhindi Saidan, District Amritsar Rural (Annexure P-1) on the basis of a statement recorded by the complainant-'S' (name withheld)

alleging therein that his minor daughter-'A' (name withheld) was being harassed by the petitioner while she used to go to her school from quite some time and the petitioner had been insisting her to perform marriage with her. He alleged that on the intervening night of 13/14.05.2023, his daughter was found missing from the house and he made search for her and came to know that she had been taken away by the present petitioner on the pretext of performing marriage. After registration of FIR, investigation proceedings have been initiated and are going on.

Learned State counsel, on instructions from the Investigating Officer-ASI Major Singh, who is present in the Court, has submitted that the victim has not been recovered so far.

Learned counsel for the petitioner has submitted that she has performed marriage with the petitioner and is residing with him.

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.

Notice to respondent No.2 be issued on 14.03.2024.

In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within four days or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.

The petitioner is also directed to ensure the appearance of the victim before the Investigating Officer at the time of his

joining investigation proceedings so that the investigation can proceed further and appropriate steps can be taken by the Investigating Officer.”

3. Learned State counsel has submitted that the victim has joined investigation on 27.01.2024 and her statement under Section 164 Cr.P.C. has been got recorded by the Illaqa Magistrate, wherein she had stated that she wants to live with the petitioner and his family as she is in love with him and does not want to reside with her parents. The petitioner is also stated to have joined the investigation on 10.02.2024 and it is submitted by learned State counsel that his custodial interrogation is not required.

4. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 23.01.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

(MANISHA BATRA)
JUDGE

23.04.2024
Satyawar

1. Whether speaking/reasoned: Yes/No
2. Whether reportable: Yes/No