

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

CRM-M-43140 of 2023

DATE OF DECISION :- 13.02.2024

Rohit Kumar @ Rohit Gadhra

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present:- Mr. Anshul Sharma, Advocate with
Mr. S.S. Thakur and Ms. Pragati Kumari, Advocates
for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Nikhil Vashishth, Advocate for the complainant.

SUMEET GOEL, J. (Oral)

1. On 31.08.2023, the following order was passed:-

“Prayer in this petition filed under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.75 dated 17.6.2023, under Sections 363, 366, 506 and 511 IPC, registered at Police Station Goraya, District Jalandhar.

The FIR was registered on the statement of complainant

Vijay Kumar, father of the victim and is reproduced as under :-

“It is stated that I am the resident of above mentioned address. I am a property dealer. I have two kids. I have one son Harman kumar and one daughter Bhoomika Kumari who is 15 years old. On 15/06/2023 around 8 pm she went from our home without informing anyone. We have searched a lot but we failed to find her. My daughter is friend of Navdeep Kaur D/o Balvir Chand. At around 10 pm I called Balvir Chand to inquire that whether my daughter is present at their place or not on which he told that Bhoomika was not present there. Whole night we kept on searching for her. At 10:15 PM he came to our place to

know about my daughter that whether she has come home or not. We have informed him that she has not come yet. Then my daughter came back on 16/06/2023 at around 5:15 AM and informed me that Rohit S/o Balvir Chand has knocked the door of their house and asked about her brother Harman on which she told that he was not at home. Then he asked me to come at his place and inspite of taking at his place he took me to kothi of his uncle Sodhi Ram. When I was sitting in his hose Rohit's father came there and after having conversation with Rohit he went from there. Rohit's friend whose name is also Rohit R/o village Gooda was also present there. Rohit Kumar S/o Balvir Chand took me there on the pretext of marrying me and kept roaming me on the motorcycle in the villages. Afterwards they took me to a lawyer and I am not aware about that place. The lawyer asked about my age and asked about Rohit's age and said him to leave me at my place and if he will not do so then he has to face harsh consequences of law. After that Rohit and his friend kept driving me on motorcycle for the whole night and threatened me that if I will disclose this incident then they will kill me. They will even kill my family. Then they have dropped me near my village. My daughter has narrated me the whole incident today. So I along with Kulvir singh has come to the police station to inform you about this incident. The strict legal action should be taken against Rohit Kumar S/o Balvir chand, his friend Rohit R/o village Gooda and Balvir Chand, father of Rohit kumar. The statement has been recorded and the same has been found correct.”

Learned counsel for the petitioner inter alia submits that there are three accused in the FIR and the petitioner is the main accused. It is submitted that the allegations made in the FIR are utterly false and fabricated as the victim accompanied the petitioner at her own free will.

Notice of motion.

On asking of the Court, Ms. Kanica Sachdeva, AAG, Punjab

accepts notice on behalf of respondent-State and submits that the victim in 2 of 3 her statement under Section 164 Cr.P.C., recorded on 23.6.2023, supported the prosecution case and stated that petitioner allured her on the pretext of marriage. She seeks time to file detailed status report in the matter.

Adjourned to 17.11.2023.

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 alongwith the details of pending FIRs, if any, on or before the next date of hearing. ”*

2. Learned counsel for the complainant has vociferously opposed the grant of anticipatory bail by arguing that the allegations made against the petitioner are serious in nature and hence anticipatory bail ought not to be granted to the petitioner.

3. Learned State counsel, on instructions from ASI Avtar Singh, has stated that pursuant to the order dated 31.08.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the present petition stands allowed and the interim order dated 31.08.2023 passed by this Court is made absolute, subject to the conditions as enumerated under Section 438(2) Cr.P.C.
5. 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.
6. 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.
7. 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

13.02.2024
P.Singh

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