

CRM-M-44299-2023 (O&M) 2023:PHHC: 033506 - 1 -

204 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-44299-2023 (O&M)
DATE OF DECISION : 07.03.2024

JUMAN AND OTHERS ... PETITIONERS
V/S
STATE OF PUNJAB ... RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Manoj R. Sharma, Advocate for the petitioners.
Ms. Himani Arora, A.A.G., Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioners in case FIR No.116 dated 01.09.2021 registered under Sections 363, 366 and 376-D IPC and Section 6 of the Protection of Children from Sexual Offences Act, at Police Station Sadar, Pathankot, District Pathankot.

2. On 05.09.2023 following order was passed:

“xxxx Learned counsel for the petitioners, inter alia, submits that the main accused in the present case, namely Surmu @ Surmudeen, has already been enlarged on regular bail vide order dated 09.11.2022 (Annexure P-3) passed by a co-ordinate Bench of this Court in CRM-M22660-2022. It is submitted that the petitioners herein are co-accused against whom the only allegation made in the FIR is that they were present in the car in which the victim was kidnapped by the main accused Surmu @ Surmudeen. The victim has already solemnized marriage with the main accused as is evident from marriage certificate dated 30.08.2022/26.10.2022 (Annexure P-2). Learned counsel further submits that nothing has to be recovered from the petitioners, therefore, their custodial interrogation is not required. The petitioners are ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon them.

Notice of motion.

On the asking of Court, Ms. Kanica Sachdeva, AAG, Punjab, accepts notice on behalf of the respondent-State and does

not dispute the above-stated facts.

Adjourned to 24.11.2023.

In the meantime, the petitioners are directed to appear before the SHO/Investigating Officer to join investigation and in the event of their arrest, they shall 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. xxxx.”

3. Learned counsel for the petitioners contends that all the petitioners have joined the investigation in compliance of the order passed by this Court.

4. Learned State counsel, on instructions from ASI Ram Pal, has also confirmed that the petitioners have joined investigation. Status report has been filed, whereby it has been verified that marriage certificate dated 30.08.2022/26.10.2022 (Annexure P-2) was found to be correct through verification. State counsel further informs that custodial interrogation of the petitioners is not required.

5. In view of the aforesaid facts and the reasons recorded in the order dated 05.09.2023 and keeping in view the fact that the petitioners have joined investigation, their custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 05.09.2023 granting interim bail to the petitioners is made absolute, subject to the conditions laid down in Section 438(2) Cr.P.C.

07.03.2024

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(HARPREET KAUR JEEWAN)
JUDGE

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