



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

CRM-M-43006-2024 (O&M)

Date of Decision: 13.12.2024

Philips Masih

.... Petitioner

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 02.09.2024, when this case was listed for hearing, following order was passed by this Court:-

“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).



Learned counsel for the petitioner, inter alia, submits that the petitioner has no role in the present FIR except that the main accused, namely Karan, is the cousin of the petitioner and was staying in the house of the petitioner. It is submitted that the petitioner has no connection whatsoever with the alleged abduction of the victim on 21.05.2024. The FIR has been registered after delay of 2 days i.e. on 23.05.2024 on the statement made by the father of the victim. Moreover, the co-accused of the petitioner, who is sister-in-law/bhabhi of the main accused Karan, has been granted anticipatory bail vide order dated 06.08.2024 (Annexure P-4) passed by this Court in CRM-M-37990-2024 titled as 'Preeti alias Manpreet vs. State of Punjab and another'. It is submitted that even the parents of the petitioner have been granted anticipatory bail vide order dated 14.08.2024 (Annexure P-2) passed by this Court in CRM-M-39682-2024 titled as 'Paramjit Masih alias Pama and another vs. State of Punjab.' Learned counsel for the petitioner submits that the petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

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

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

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.*

Learned counsel for the State 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 02.09.2024 passed by this Court, the petitioner has joined investigation on 16.09.2024.

Learned counsel for the State, on instructions from ASI Sukhdev Singh, confirms that the petitioner has joined investigation on 16.09.2024 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 02.09.2024 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. He will also join the investigation



and cooperate with the investigating agency in case he 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