

CRM-M-46313-2024 (O&M) -1-

2024:PHHC:166857



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CRM-M-46313-2024 (O&M)

Date of Decision: 13.12.2024

Laiakat Ali

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

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

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

NIDHI GUPTA, J. (ORAL)

Prayer in this petition filed under Section 482 Bharatiya
Nagarik Suraksha Sanhita (B.N.S.S.) is for grant of anticipatory bail to
the petitioner in case FIR No.36 dated 30.03.2024 (Annexure P-1) under
Section 346 IPC (Sections 363, 366, 376, 120-B of IPC and Section 6 of
POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006
added later on), registered at Police Station Sujanpur, District Pathankot.

On 17.09.2024, when this case was listed for hearing,
following order was passed by this Court:-

*“Prayer in this petition filed under Section 482 Bharatiya
Nagarik Suraksha Sanhita (B.N.S.S.) is for grant of anticipatory bail to
the petitioner in case FIR No.36 dated 30.03.2024 (Annexure P-1) under
Section 346 IPC (Sections 363, 366, 376, 120-B of IPC and Section 6 of
POCSO Act and Section 9 of Prohibition of Child Marriage Act, 2006
added later on), registered at Police Station Sujanpur, District
Pathankot.*



Learned counsel for the petitioner, inter alia, submits that the present FIR was registered on the basis of statement of brother of the victim. The allegation against the petitioner is that he helped the main accused Maskeen @ Masdeen in kidnapping the victim. Learned counsel however, contends that the petitioner has been falsely implicated in the present case merely because he is related to the main accused, namely, Maskeen. It is further submitted that as per the FIR, at the time of alleged occurrence, the victim was 19-½ years of age. However, as per the Aadhar Card and PAN Card of the victim, her date of birth is stated to be 01.01.2001. As such on the date of incident i.e. 14.3.2024, she was around 23 years of age. It is submitted that in actual fact, the main accused Maskeen and the victim were in a consensual relationship. They had even filed a protection petition before the High Court of Jammu and Kashmir and Ladakh at Jammu, which was allowed vide order dated 06.5.2024. It is submitted that the victim and the main accused Maskeen have even solemnized marriage on 15.3.2024. At present, the victim is residing with the main accused Maskeen. Moreover, the victim in her statement recorded under Section 164 Cr.P.C. has not supported the prosecution case. Learned counsel further refers to the order dated 13.8.2024 (Annexure P-7) passed by this Court in CRM-M-39498-2024, vide which, co-accused of the petitioner, on identical allegations, has been granted interim bail. Learned counsel for the petitioner prays for grant of interim relief to the petitioner and undertakes that the petitioner will join the investigation and co-operate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Kunwarbir Singh, AAG, Punjab accepts notice on behalf of respondent-State and seeks time to file the reply/status report in the matter.

In view of the above, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation



and cooperate with the Investigating Agency. 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 along with details of pending FIRs, if any, on or before the next date of hearing.

List on 13.12.2024”

Learned counsel for the petitioner submits that in compliance of the order dated 17.09.2024 passed by this Court, the petitioner has joined investigation on 22.09.2024.

Reply dated 10.12.2024 filed by way of an affidavit of the Deputy Superintendent of Police (Dhar Kalan), District Pathankot on behalf of respondent-State in Court today is taken on record. A copy thereof has been supplied to learned counsel for the petitioner.

Learned counsel for the State, on instructions from ASI Jagdish Singh, confirms that the petitioner has joined investigation on



22.09.2024 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 17.09.2024 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