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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-46898-2024

Date of decision: 21.10.2024

Kali Masih and another

....Petitioners

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. A.S. Manaise, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG, Punjab.

HARPREET SINGH BRAR, J. (ORAL)

This petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing FIR
No.70 dated 25.06.2024 (Annexure P-1) under Sections 363/366 of IPC
(Sections 376/506/120-B of IPC and Section 6 of POCSO Act added later on)
registered at Police Station Sadar Gurdaspur, District Gurdaspur.

On 20.09.2024, the following order was passed:-

*'The instant petition is preferred under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail
in FIR No.70 dated 25.06.2024 under Sections 363 & 366 of the
Indian Penal Code, 1860 (for short 'IPC') (Sections 376, 506, 120-B
of IPC and Section 6 of the Protection of Children from Sexual
Offences Act, 2012 added later on), registered at Police Station Sadar
Gurdaspur, District Gurdaspur.*

*Learned counsel for the petitioners, inter alia, contends that
the petitioners are parents of main accused, who has alleged to have
enticed away daughter of the complainant. Initially, son of the
petitioners was named in the FIR (supra), which has been registered
after a delay of 02 days. Now son of the petitioners and daughter of
the complainant have solemnized the marriage and they also sought
protection to their lives and liberty from learned Additional Sessions
Judge, Gurdaspur.*

Notice of motion for 21.10.2024.

*Keeping in view the ratio of law enunciated by the Hon'ble
Supreme Court in **Arnesh Kumar Vs. State of Bihar, (2014) 8 SCC
273, Arnab Manoranjan Goswami Vs. State of Maharashtra, (2021)
2 SCC 427, Satender Kumar Antil Vs. CBI, (2022) 10 SCC 51,***

Siddharam Satlingappa Mhetre Vs. State of Maharashtra and ors., 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia Vs. State of Punjab, (1980) 2 SCC 565, the petitioners are directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioners will be admitted to interim bail on furnishing bail/surety bonds to the satisfaction of investigating/arresting officer and they will co-operate in the investigation.

If the arresting officer does not permit the petitioners to join the investigation, they would appear before learned Illaqa Magistrate, who would then summon the arresting officer and direct him to join the petitioners in the investigation, in terms of the order of this Court.

Nothing observed hereinabove shall be construed as an expression of opinion by this Court and the trial Court shall decide the same on its own merits, strictly in accordance with law.'

Learned State counsel on instructions from SI Surjit Singh, at the very outset informs the Court that the petitioners have joined the investigation and their custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 20.09.2024 is hereby made absolute. The petitioners shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS.

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

21.10.2024
Neha

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