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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52775-2022 (O&M)
Date of Decision: 20.02.2024

SAJAN

.. Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Hardik Ahluwalia, Advocate for
Mr. Amandeep Singh Manaise, Advocate for the petitioner.

Mr. Anup Singh, AAG, Punjab.

Mr. Gurjinder Singh, Advocate
for respondents No.2 and 3.

...

SUMEET GOEL, J. (Oral)

1. This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.15 dated 25.02.2020 under Sections 363 and 366 IPC registered at Police Station Kahnuwan, District Gurdaspur.

2. On 16.11.2022, the following order was passed:-

“The petitioner is seeking anticipatory bail in the case bearing FIR No.15 dated 25.02.2020 under Sections 363 and 366 IPC registered at Police Station Kahnuwan, District Gurdaspur.

Learned counsel for the petitioner contends that the FIR has been registered on the basis of the statement of the mother of the victim stated to be aged about 16 years. Initially, the petitioner was declared as proclaimed offender and challan was presented in his absence. After attaining the age of majority, the victim had solemnized marriage with the petitioner on 20.12.2021 and the couple is happily residing in the house of the petitioner. The petitioner had also preferred a petition bearing CRM-M-48368-2022 for quashing the

FIR and the order dated 04.03.2021 vide which he has been declared as proclaimed offender. In terms of the order dated 18.10.2022, the Coordinate Bench of this Court has stayed the arrest of the petitioner for a period of seven days and directed him to surrender and move an application for bail before the concerned Court. In pursuance of the said order, the petitioner had surrendered in the Court below on 28.10.2022. However, the bail application was dismissed by the Court of learned Judicial Magistrate 1st Class in terms of order dated 29.10.2022. The petitioner had also approached the Court of Sessions and the bail application has been dismissed in terms of the order dated 01.11.2022.

Notice of motion.

Ms. Ruchika Sabherwal, DAG, Punjab, accepts notice on behalf of respondent No.1-State.

Mr. Gurjinder Singh, Advocate, has appeared on behalf of respondents No. 2 and 3 and has not disputed the factual assertions as put forth by the learned counsel for the petitioner.

Adjourned to 11.01.2023.

In the meanwhile, the petitioner is directed to join investigation and in the event of his arrest, he shall be released on interim bail to the satisfaction of the Investigating Officer/Arresting Officer subject to the conditions as envisaged under Section 438 (2) of Code of Criminal Procedure.

To be heard alongwith CRM-M-48368-2022.”

3. Learned State counsel, on instructions from ASI Palvinder Singh, has stated that pursuant to the order dated 16.11.2022, the petitioner has joined investigation and is no longer required for custodial interrogation.

4. In view of above, the petition is allowed and interim order dated 16.11.2022 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 interpreted as 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.
8. Pending application(s), if any, shall also stand disposed off.

20.02.2024

(SUMEET GOEL)
JUDGE

Jasmine Kaur

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No