



215 IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-61522-2024 (O&M)
Date of Decision: 17.12.2024

KALA SINGH AND ANOTHER

...Petitioners

V/S

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Angrez Singh, Advocate
for the petitioners.

Mr. Sandeep Kumar, DAG Punjab

HARPREET SINGH BRAR J. (Oral)

1. The present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioners in
case bearing FIR No.111 dated 17.06.2024 under Sections 363/366 of IPC
registered at Police Station Ajnala, District Amritsar Rural (Annexure P-1).

2. On 09.12.2024, following order was passed:

*“The present petition has been filed under Section 482 of
Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to
the petitioner in case bearing FIR No.111 dated 17.06.2024 under
Sections 363/366 of IPC registered at Police Station Ajnala, District
Amritsar Rural (Annexure P-1).*

*Learned counsel for the petitioners inter alia contends
that petitioner No.1 is the uncle of co-accused-Satta Singh and
petitioner No.2 is minor daughter of petitioner No.1. He further
submits that Satta Singh and the daughter of the complainant were in a
consensual relationship and the victim/prosecutrix was more than 19
years of age and after performing marriage with each other they have
sought protection from this Court by way of filing of CRWP No.5743 of
2024 titled as ‘Ramandeep Kaur and another Vs. State of Punjab and
others’ and the same was disposed of vide order dated 19.06.2024
(Annexure P-6) and only allegation against the petitioners is that they
had facilitated the co-accused-Satta Singh in enticing away daughter*

of the complainant on the pretext of marriage.

Notice of motion.

On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the petitioners are directed to appear before the Investigating Officer within one week from today and on their doing so or in the event of arrest, the petitioners shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioners shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS (earlier 438 (2) Cr.P.C.).

If the Investigating/Arresting Officer does not permit the petitioners to join the investigation, the petitioners would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioners in investigation, in terms of the order of this Court.

Adjourned to 17.12.2024.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from ASI Baljit Singh, submits that in compliance of order dated 09.12.2024 passed by this Court, the petitioners have joined the investigation and are not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 09.12.2024, is made absolute. The petitioners shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482(2) of B.N.S.S.

5. The petition is accordingly disposed of.

17.12.2024
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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