



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

221

CRM-M-47857-2024(O&M)

Date of Decision: 27.03.2025

SURMU DEEN

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present:- Mr. Gurvinderpal Singh, Advocate for
Mr. H.S.Rakhra, Advocate for the petitioner.

Mr. R.S.Thind, DAG Punjab.

KIRTI SINGH, J. (Oral)

1. Apprehending his arrest the petitioner has filed this petition under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in case bearing FIR No.184 dated 18.07.2023 under Sections 363, 366-A, 376 and 506 read with Section 120-B of IPC and Section 4 of POCSO Act, 2012 registered at Police Station Jandiala, District Amritsar Rural.

2. This Court while issuing notice of motion on 24.09.2024 passed the following order:-

"1. The instant first petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 seeking anticipatory bail in case FIR No.184 dated 18.07.2023, under Sections 363, 366-A, 376, 506 read with Section 120-B IPC, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012, registered at Police Station Jandiala, District Amritsar Rural (Annexure P-1).

2. Learned counsel for the petitioner inter alia contends that there are no allegations of direct involvement against the petitioner. The petitioner is only alleged to have aided the co-accused Maskeen Ali, who is alleged to have forcibly kidnapped the prosecutrix. However, the prosecutrix has not supported the prosecution case during the trial and even the co-accused of the petitioner have been granted regular bail by this Court.

3. Notice of motion.

4. Ms. Himani Arora, AAG, Punjab accepts notice on behalf of respondent-State of Punjab and on instructions from ASI Harjinder Singh, she has confirmed the fact that the co-accused Maskeen Ali has been granted regular bail by this Court. This fact has also been confirmed that during the trial against co-accused Maskeen Ali, the victim appeared as PW-2 and she had turned hostile, as per her statement (Annexure P-2). PW-1, paternal uncle of the victim "M.S." has also not supported the prosecution case in his statement (Annexure P-3).



5. *Learned State counsel has further confirmed that as per the DNA test report, human semen and male DNA was not detected in the vaginal swabs of the victim. As per the ossification test report, the age of the victim was between 17-19 years. However, it is submitted that the prosecutrix has supported her version in her statement recorded under Section 164 Cr.P.C. on 29.07.2023.*

6. *Adjourned to 05.12.2024.*

7. *In the meanwhile, the petitioner is directed to join investigation within a period of ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-*

(i) That the petitioner shall further make himself available for interrogation by a police 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 from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned. ”

3. Learned State counsel on instructions from SI Harchand Singh submits that in compliance of order dated 24.09.2024, the petitioner has joined the investigation and is not required for any further investigation.

4. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 24.09.2024 passed by this Court, is hereby made absolute.

5. This order should not be treated as "blanket" order. It will not be read granting the 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. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency to investigate into the charges against the petitioner.

7. The accused/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 or her from disclosing such facts to the Court or to any police officer.

8. The accused/petitioner shall not leave India without prior permission of the Court.



9. The accused/petitioner shall join the investigation as and when called by the police.

10. It will be open to the police or the investigating agency to move to this Court for a direction under Section 483(3) of BNSS (erstwhile Section 439(2) of the Code of Criminal Procedure, 1973) to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.

Pending application(s), if any, also stands disposed of accordingly.

27.03.2025
Kavita

(KIRTI SINGH)
JUDGE

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