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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-49441-2024

Date of Decision:- 14.01.2025

ANMOLDEEP SINGH ALIAS ANMOL

....Petitioner

Vs.

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM:- HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Vikas Gupta, Advocate for the petitioner.

Mr. Siddharth Sandhu, AAG, Punjab.

AMARJOT BHATTI, J.

1. Petitioner has filed instant petition under Section 482 of BNSS, 2023 for grant of anticipatory bail in FIR No.130 dated 07.07.2024 under Sections 137 (2), 87 of BNS, 2023 registered at Police Station City, Tarn Taran, District Tarn Taran.

2. Petitioner was granted interim bail by passing detailed order dated 03.10.2024 which runs as under:-

“Prayer in this 1st petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, is for grant of anticipatory bail to the petitioner in case FIR No. 130 dated 07.07.2024 (Annexure P-1) registered under Sections 137(2) and 87 of the Bharatiya Nyaya Sanhita, 2023, at Police Station City Tarn Taran, District Tarn Taran.

Learned counsel for the petitioner, inter alia, submits that the petitioner and the alleged victim/respondent

No. 3 herein live in the same area. The present FIR was registered on the basis of the statement of respondent No. 2/father of the alleged victim, with the allegations that the petitioner had enticed and allured his daughter/victim away on the pretext of marriage. It is submitted that the allegations made in the FIR are false and fabricated. It was on 05.07.2024 that the victim had allegedly not returned back from school, whereupon the present FIR was registered, after a delay of 02 days i.e. on 07.07.2024. The petitioner has no role to play in the same. At the time of alleged occurrence the petitioner was 19-years-old; whereas the prosecutrix was 16½ years of age. Nothing has to be recovered from the petitioner, therefore, his custodial interrogation is not required. The petitioner is ready to join the investigation as and when required and shall abide by all the terms and conditions imposed upon him.

Notice of motion.

On the asking of Court, Ms. Guramrit Kaur, DAG, Punjab, accepts notice on behalf of respondent No. 1-State; whereas Mr. Amandeep Singh, Advocate, has put in appearance on behalf of respondents No. 2 and 3 and files his memo of appearance which is taken on record. Learned counsel undertakes to furnish Vakalatnama in the Registry within a period of 02 weeks from today.

Learned counsel for respondents No. 2 and 3 submits that the matter stands compromised between the parties. It is submitted that the victim/respondent No. 3 herein had gone to Gurudwara on her own and thereafter, came back from there. Accordingly, learned counsel for respondents No. 2 and 3 has not opposed the prayer for grant of anticipatory bail to the petitioner.

On instructions from ASI Rachpal Singh, learned counsel for the State submits that the victim/respondent No. 3 herself returned to her parental home on 08.07.2024.

Adjourned to 14.01.2025.

In the meantime, the petitioner is directed to appear before the SHO/Investigating Officer to join investigation and 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 the details of pending FIRs, if any, on or before the next date of hearing.”

3. Learned counsel for petitioner argued that in pursuance of interim bail order he has already joined investigation. Matter has been compromised. Affidavit of Salwinder Singh is Annexure P-3. In pursuance of this compromise, parties have filed CRM-M-41732-2024 seeking quashing of FIR in which vide order dated 28.08.2024 parties have been directed to appear before the trial Court/Illaq Magistrate for recording of their statements. Present petitioner is still ready to join investigation as and when required.

4. Learned counsel representing State confirmed that petitioner has joined investigation on 25.10.2024. Compromise between the parties is also confirmed and it is submitted that petitioner is not required for further investigation.

5. In view of the aforesaid factual position, no purpose would be served by sending petitioner behind the bars. He has already joined the investigation. Therefore, interim bail already granted in favour of petitioner vide order dated 03.10.2024 stands confirmed subject to the conditions envisaged under Section 482(2) of BNSS.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

(AMARJOT BHATTI)
JUDGE

14.01.2025

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Whether speaking/reasoned: Yes/No.

Whether reportable: Yes/No