



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

274

CRM-M-58772-2023

Date of Decision : 13.05.2025

GURWINDER SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sarbjit Singh, Advocate
for the petitioner.

Ms. Aakansha Gupta, AAG, Punjab.

None for the complainant.

KIRTI SINGH, J. (ORAL)

1. Apprehending arrest the petitioner has filed this petition under Section 438 of Cr.P.C. for grant of anticipatory bail in case bearing FIR No.77 dated 29.09.2023, under Sections 363, 366-A IPC, registered at Police Station Tarsikka, District Amritsar.

2. This Court on 22.11.2023 while issuing notice of motion, directed the petitioner to join investigation and passed the following order:-

“ 1. Petitioner is seeking anticipatory bail in case bearing FIR No.77 dated 29.09.2023 under Sections 363, 366-A IPC, registered at Police Station Tarsikka, District Amritsar.

2. Learned counsel for the petitioner contends that the FIR has been registered on the basis of the statement of the mother of the victim, who is alleged to be 16 years of age. It has been alleged that on 28.09.2023 the victim was kidnapped by the petitioner as he wanted to solemnize marriage with her. It has been submitted that there is allegation



in the FIR to the effect that the complainant had repeatedly called the victim but she never returned back. The date of birth of the victim in the Aadhar card has been recorded as 10.11.2003 and the petitioner was under bona fide impression that the victim is aged more than 18 years of age. The petitioner has solemnized marriage with the victim who is happily residing with the petitioner in his house.

3. *Notice of motion.*

4. *Ms. Ruchika Sabherwal, DAG Punjab accepts notice on behalf of the State and seeks adjournment to get instructions in the matter and submit the reply.*

5. *Adjourned to 08.01.2024.*

6. *Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”*

3. Learned State counsel on instructions from ASI – Baghel Singh - Investigating Officer(s), submits that in compliance of the aforesaid order, the petitioner has joined the investigation and is not required for any further investigation.

5. Having considered the aforesaid facts and circumstances, the petition is allowed. Order dated 22.11.2023 passed by this Court, is hereby made absolute.

6. 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.

7. 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.



8. 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.
9. The accused/petitioner shall not leave India without prior permission of the Court.
10. The accused/petitioner shall join the investigation as and when called by the police.
11. 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.

(KIRTI SINGH)
JUDGE

13.05.2025
Nisha Yadav

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No