

**IN THE COURT OF MS. ARCHNA KAMBOJ,
ADDITIONAL SESSIONS JUDGE, GURDASPUR.**

Unique Identification Code No. (PB0202)

Bail application No. 238 dated 08.07.2020

Date of Decision: 10.07.2020

CIS no. BA-2008-2020

FIR No. 50 dated 06.06.2020

U/S 363/366-A IPC

P.S. Purana Shalla

Narinder Kumar @ Sunny son of Ramesh Kumar resident of village Talibpur, P.S. Purana Shalla, Tehsil and District Gurdaspur.

---Accused/applicant

Versus

State of Punjab.

Ist BAIL APPLICATION U/S 438 CR.P.C

Present: Sh. Gaurav Mahajan and Sh. Mohit Mahajan, Advocates counsel for accused/applicant.(through video conference)
Sh. Kiran Kumar, Addl.P.P for the State. (through video conference)

O R D E R

1. This is an application for seeking bail under Section 438 Criminal Procedure Code moved on behalf of accused/applicant Narinder Kumar @ Sunny in the aforementioned FIR.

2. Notice of bail application was given to State, consequent upon which learned APP for the State had put in appearance. Record has been perused.

3. I have heard the learned counsel for accused-applicant, learned Additional PP for the State (both through video conference) and

have also perused the record very minutely with their able assistance.

4. It is submitted in the application as well as argued on behalf of accused-applicant Narinder Kumar @ Sunny that in the above said FIR, the criminal law put into motion by Sarabjit Kaur wife of Gurdev Singh. It has been further submitted that accused-applicant is an innocent person and has not committed any offence as alleged in FIR. Accused-applicant is in love affair with the daughter of complainant for last one year, but complainant as well as her son were against this relationship and they used to threaten him and harassed prosecutrix. The daughter of complainant herself left her parents house and got married with accused-applicant against the wishes of her family members. Accused-applicant as well as his wife i.e. daughter of complainant had also filed writ petition under Article 226 of the Constitution of India for issuing direction to SSP, Gurdaspur, SHO P.S. Purana Shalla to protect the life and liberty from complainant and her son and Hon'ble Punjab and Haryana High Court Chandigarh allowed the petition of accused-applicant vide order dated 17.06.2020. It has been further submitted that nothing is to be recovered from the accused-applicant, so his custodial interrogation is not required. It has been further submitted that accused-applicant is ready to join investigation and undertakes not to hamper the investigation or thwart the court of justice. He further undertake to abide by all the terms and conditions of bail as imposed upon him. In support of his contention, learned counsel for accused-applicant has placed on record copy of order

dated 17.06.2020 passed by Hon'ble Punjab and Haryana High Court in CRWP-3818-2020 (O & M), titled as Anjlai and another and finally prayer for granting him anticipatory bail has been made.

5. Per contra, in stark retaliation to the arguments put forth by learned counsel for accused-applicant, learned APP for the State vehemently opposed the contentions so put forth by learned counsel for accused/applicant and stated that serious allegations have been levelled against the present accused-applicant and in case, he is granted bail, he might try to hamper the proceedings of the investigation/trial and might also try to influence the prosecution witnesses and as such, he does not deserve the leniency of the court in grant of relief of anticipatory bail and finally prayer for its dismissal has been made.

6. After considering the rival contentions of both the parties and perusing the record, it has come to forefront that present case was registered on the statement of Sarabjit Kaur wife of Gurdev Singh resident of Sirkian to the effect that she had two daughters and a son. Her younger daughter/prosecutrix was aged about 17 and half years and was studying in 11th standard. On 30.05.2020, she left the house without informing her and while leaving, she took her certificates, aadhar card alongwith her. She further stated that she was sure that her daughter had eloped with Sunny son of Rameshwar resident of village Talibpur, who had enticed her. She prayed that appropriate action may be taken against said person.

7. Needless to say that the said fact of the alleged kidnapping of

prosecutrix and alluring her to get married which have been levelled against accused-applicant will come into light at the time of appreciating evidence led during trial and at this stage, it would not be appropriate to jump to any conclusions. Further, the accused-applicant has placed on record the copy of order dated 17.06.2020 passed by Hon'ble Punjab and Haryana High Court in CRWM 3818-2020 (O & M) titled as Anjali and another Vs. State of Punjab and other, wherein the Hon'ble Punjab and Haryana High Court was pleased to pass protection order in favour of accused-applicant and the prosecutrix. So, at this stage, without commenting on merits of the case and keeping in view the spirit of order aforementioned, the accused/applicant is directed to join the investigation as and when called by investigating officer and is further directed to co-operate with the investigating agency and investigating/arresting officer shall admit him to interim bail to its own satisfaction till the next date of hearing subject to the conditions envisaged under section 438(2) Clauses (i), (ii) and (iii) of Cr.P.C. Now to come up on 15.07.2020 for awaiting the report of Investigating Officer regarding the fact, whether accused/applicant has joined the investigation or not.

Pronounced in the open Court

Dated: 10.07.2020

Dilbag Singh, Steno-II

(Archana Kamboj)
Addl. Sessions Judge,
Gurdaspur. UID no. PB0202