

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-28797 of 2014

.....

Date of decision:2.2.2015

Sher Singh

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Ranjan Lakhanpal, Advocate for the petitioner.

Mr. S.S. Chandumajra, Deputy Advocate General, Punjab for
the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.109 dated 19.5.2014 registered for the offences under Sections 363, 366-A and 120-B IPC at Police Station Morinda, District Ropar.

Notice of motion has been issued in this case.

Mr. S.S. Chandumajra, learned Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner and learned Deputy Advocate General, Punjab appearing for the respondent-State and have gone through the record.

As per the allegations in the FIR, the daughter of the

complainant, aged 17 years, was enticed away by the son of the present petitioner. A perusal of the FIR shows almost no role or abetment by the present petitioner. It is simply stated that Sher Singh asked to his son when contacted that they themselves will leave their daughter in their house.

Keeping in view the facts and circumstances of the present case, there is no allegation of any abetment or conspiracy of the petitioner in enticing away the daughter of the complainant. The petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 2.9.2014 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

February 2, 2015.

(Inderjit Singh)
Judge

hsp