

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

CRM-M No.39835 of 2014 (O&M)
Date of decision: 23.02.2015

Mintu Paswan and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Ms. Harmanpreet Kaur, Advocate for the petitioners.

Ms. Harsimrat Rai, DAG, Punjab
assisted by HC Sukhwinder Singh.

Mr. G.L. Bajaj, Advocate for the complainant.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioners have sought anticipatory bail, in case FIR No.90, dated 17.09.2014, registered under Sections 363, 366 and 120-B IPC, at Police Station Cantt., District Bathinda.

It is contended that the petitioners have been falsely implicated in the present FIR, being the brother and cousin of the main accused, Pintu, who is allegedly responsible for the elopement of the minor daughter of the complainant. It is submitted that Manisha @ Khushboo, who gave the first version of the incident did

not name the petitioners. The occurrence took place on 11.08.2014, whereas, the FIR was registered on 17.09.2014. In pursuance of the orders passed by this Court, the petitioners have repeatedly joined the investigation.

The learned State counsel, on instructions, submits that the repeated raids were conducted to locate the missing child and the brother of petitioner No.1, however, the investigating agency is unable to locate them. In pursuance of the order passed by this Court, the petitioners have joined the investigation.

Keeping in view the fact that no role is attributed to the petitioners and their names are not reflected in the first version recorded by the daughter of the complainant, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 21.11.2014, is made absolute, subject to the conditions contained in Section 438(2) Cr.P.C.

The petition stands allowed.

23.02.2015

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(JITENDRA CHAUHAN)
JUDGE