

Criminal Misc. M- No.45331 of 2016 (O&M)

Date of decision : February 16, 2017

Ayaz Mahmood @ Ayaz Rawat

.....Petitioner

Versus

State of Punjab

....Respondent

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. C.S. Rana, Advocate for
Mr. Ashish Gupta, Advocate
for the petitioner.

Mr. Sultan Singh Gill, DAG, Punjab.

LISA GILL, J.**CRM No. 45 of 2017**

Annexure P-7 is taken on record.

Application is disposed of.

Criminal Misc. M- No.45331 of 2016 (O&M)

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No. 189 dated 19.10.2016 registered under Sections 363, 366A IPC at Police Station Daba, Ludhiana.

On the last date of hearing i.e. on 17.01.2017, the following order was passed:-

“ Learned counsel for the petitioner submits that the alleged victim –Smt. Ashika appeared before the Judicial Magistrate First Class, Ludhiana on 17.11.2016 and suffered a statement to the effect that she solemnized marriage with one

Salman Hussain on 08.09.2016 in Thailand. Her parents were not happy with the marriage and wanted to settle her with somebody else at England. A complaint had been lodged with the police at Malaysia by her parents but the same was rejected as she is a major. She was persuaded to come to India on the pretext that her parents would accept her marriage. However, when she arrived in India, her parents took away her passport and gold articles. They locked her in a room and physically abused her. Thereafter, she managed to leave her parental house on 10.10.2016 and go to her friend Preeti's house in Ludhiana itself. She stated that the present petitioner was working as an Electrician with her husband. She did not know as to why her parents implicated him in the present case.

Learned counsel for the State had sought time on 11.01.2017 to verify the veracity of the copy of the statement dated 17.11.2016 sought to be placed on record by the petitioner.

The alleged victim – Ashika is present in Court duly represented by her counsel. She is also identified by the Investigating Officer, ASI Tarsem Singh, Police Station Daba, Ludhiana. Ms. Ashika states that the present petitioner has nothing to do with her and in fact he is not even personally known to her. She affirms that she had made a statement before the Judicial Magistrate First Class, Ludhiana on 17.11.2016. Learned counsel for the State on instructions of the Investigating Officer also verifies the statement dated 17.11.2016.

Learned counsel for the petitioner submits that the petitioner is ready and willing to join investigation as and when required.

Adjourned to 16.02.2017.

In the meanwhile, petitioner shall appear before the Investigating Officer on 27.01.2017 at 11.00 a.m. and thereafter, as and when directed by the Investigating Agency.

He shall fully cooperate in the investigation of this case. In the event of his arrest, petitioner shall be released on interim bail to the satisfaction of Investigating Officer. Petitioner shall comply with the conditions stipulated in Section 438(2) Cr.P.C.”

Learned counsel for the State, on instructions from ASI Tarsem Singh, Police Station Daba, Ludhiana submits that the petitioner has joined investigation and is no longer required for investigation. No recoveries are to be effected from him.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of case, it is considered just and expedient to allow this petition. Consequently, order dated 17.01.2017 is made absolute.

February 16, 2017
rts

(Lisa Gill)
Judge

Whether speaking/reasoned : Yes

Whether reportable : Yes/No