

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-13335-2019 (O&M)
Date of Decision:-3.12.2019

Ashish Kumar	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anantdeep Singh Sandhu, Advocate for the petitioner.
Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.48 dated 19.5.2016 at Police Station Makhu, District Ferozepur under Sections 363, 366 and 120-B of Indian Penal Code.
2. The FIR was lodged at the instance of Mehal Masih, wherein it has been alleged that his daughter had earlier been working at Mangat Hospital, Jalandhar and had been staying in a hostel but now since the last 7-8 months she had left her job and was residing in the village with the complainant. On 1.5.2016, while they were sleeping during night, he got up during night upon hearing a noise and saw that Ashish Masih (petitioner) was sitting in a room. When the complainant went forward, said Ashish Masih ran away after scaling the wall. On 3.5.2016 at about 03:00 P.M. his daughter while stating

that she was going to the hospital in Jalandhar in connection with her job, left the house but did not return back home. It is alleged that about 10-12 days earlier, father of Ashish Masih had threatened complainant's son-in-law to get complainant's daughter engaged with Ashish, failing which Ashish Masih would run away with complainant's daughter and, as such, the complainant suspected that Aashish Masih in connivance with his father had enticed away the complainant's daughter.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that it is not a case where the complainant's daughter was a minor, so as to have been enticed away by the petitioner and that she had possibly left her home on her own accord. The learned counsel has further submitted that, in any case, there is nothing to suggest the involvement of the petitioner regarding the alleged disappearance of complainant's daughter and that in these circumstances, the petitioner deserves the concession of bail.
4. Opposing the petition, the learned State counsel has submitted that since it is a case where the petitioner had been seen by the complainant in his house during night time and it was just about one day thereafter that the complainant's daughter went missing, therefore, it is evident that the petitioner has a role to play in the disappearance of the complainant's daughter. The learned counsel has further submitted that since the complainant's daughter has not been recovered, till date, despite a period of about more than three years having elapsed, the truth in the matter can only be unearthed by custodial interrogation of the petitioner. A prayer has thus been made for dismissal of the petition.

5. I have considered rival submissions addressed before this Court.
6. It is the case of the prosecution that the petitioner had come to the house of the complainant one day before the disappearance of complainant's daughter and that too during night time. The complainant's daughter disappeared in mysterious circumstances. In these circumstances, custodial interrogation of the petitioner would certainly be required to find out the truth since the complainant's daughter, till date, has not been recovered despite a period of more than three years having elapsed after her disappearance. The petition, as such, is sans merit and is hereby dismissed.

3.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No