

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

(I)

CRM-M-13288-2019

Date of Decision:6.11.2019

TAHEER @ DILBAR KHAN

.....Petitioners

Versus

STATE OF PUNJAB

.....Respondent

(II)

CRM-M-26655-2019

ASGAR ALI

....Petitioner

Versus

STATE OF PUNJAB

....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Ankit Joshi, Advocate
for the petitioners in CRM-M-13288-2019.

Mr. Sunny K. Singla, Advocate
for the petitioner in CRM-M-26655-2019.

Ms. Rashmi Attri, AAG, Punjab in both cases.

GURVINDER SINGH GILL, J. (ORAL)

1. This order shall dispose of the aforementioned petitions filed on behalf of
Taheer @ Dilbar Khan and Asgar Ali seeking anticipatory bail in respect
of FIR registered against them vide FIR No.19 dated 15.2.2019 under

Sections 363, 366-A, 376(2)(N), 342, 506, 120-B IPC and Section 6 & 17 of POCSO Act, Police Station City-1, Malerkotla.

2. The FIR was lodged at the instance of Rajinderpal Sharma wherein it has been alleged that on 14.2.2019 her elder daughter aged about 17 years & 3 months had gone for taking tuition but did not return back. Upon making inquires it came to be known that complainant's daughter was seen near Courts at Malerkotla while riding a motorcycle with Dilbar Khan @ Taheer. The complainant suspected that her daughter has been influenced and abducted for the purpose of solemnizing marriage by Dilbar Khan.
3. Learned counsel for the petitioner has submitted that a false FIR has been registered against the petitioner- Taheer @ Dilbar Khan and in fact it is a case where the complainant's daughter who is presently major had left home on her own accord and free will and had solemnized marriage. It has further been submitted but pursuant to solemnization of marriage, the complainant's daughter and the petitioner-Taheer @ Dilbar Khan had approached this Court by filing CRM-M-31721-2019 seeking protection which was disposed of vide order dated 2.11.2019 whereby directions have been issued to SHO concerned for doing the needful.
4. As far as the petitioner Asgar Ali is concerned, it has been submitted that he happens to be maternal uncle of Taheer @ Dilbar Khan and that he has been involved simply in order to pressurize Taheer @ Dilbar Khan and his entire family.
5. Opposing the petitions, learned State counsel has submitted that since it is

a case where complainant's daughter was minor being aged 17 years & 3 months at the time of her abduction, no case for grant of bail is made out.

6. Having considered rival submissions addressed before this Court and bearing in mind the factual position, which suggests that it is a case where complainant's daughter, who is now aged more than 18 years had voluntarily left home out of her own accord & free will and is stated to have solemnized marriage with petitioner-Taheer@ Dilbar Khan and that the petitioners have since joined investigation, their custodial interrogation is not warranted. The petitions, as such are accepted and interim directions issued vide order dated 11.4.2019 passed in CRM-M-13288-2019 and order dated 12.06.2019 passed in CRM-M-26655-2019 are made absolute subject to the condition that the petitioners would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

6.11.2019
Gaurav Sorot

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No