

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

CRM-M-27009-2019 (O&M)
Date of Decision:-17.10.2019

Joban @ Mani @ Mani Masih

... Petitioner

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ritesh Pandey, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by SI Baljinder Singh.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.4 dated 8.1.2018 at Police Station Dera Baba Nanak, Batala under Section 363, 366-A, 120-B of Indian Penal Code and Sections 3 and 4 of POCSO Act.
2. The FIR was lodged at the instance of Shindu Masih, wherein it has been alleged that Mani Masih had enticed away his daughter Salomi aged 17 years on the pretext of marrying her and although he and other members of his family had searched for his daughter but she could not be found.
3. The learned counsel for the petitioner has submitted that the complainant's daughter had voluntarily left her house and had solemnized marriage with the petitioner and is presently residing with the petitioner as his wife voluntarily.

4. Opposing the petition, the learned State counsel has submitted that since the complainant's daughter was aged less than 18 years at the time when she was enticed away, no case for grant of bail is made out. It has, however, been informed that investigation is complete and challan already stands presented.
5. Having regard to the facts and circumstances of the case and while noticing that the investigation already stands concluded and challan already stands presented and that the petitioner and complainant's daughter are residing together as husband and wife, in my opinion, detention of petitioner at this stage is not warranted. The petition, as such, is accepted and the interim directions issued by this Court vide order dated 2.7.2019 are hereby made absolute subject to the condition that the petitioner shall appear regularly before the trial Court and abide by any such condition as may be imposed by the trial Court for his appearance.

17.10.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No