

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

CRM-M-28339 of 2019.

Decided on:- July 08, 2019.

Mangat Masih.

.....Petitioner.

Versus

State of Punjab and another

.....Respondents.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Amandeep Singh Manaise, Advocate
 for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner has filed present petition under Section 439(2) Cr.PC for cancellation of anticipatory bail granted to respondent No.2 vide order dated 30.05.2019 (Annexure P-8) passed by learned Additional Sessions Judge, Gurdaspur in FIR No.7 dated 11.03.2019 under Sections 363 and 366-A IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Ghuman Kalan, District Gurdaspur.

Learned counsel for the petitioner has argued that apart from the fact that there is a grave apprehension of tampering with the prosecution evidence and threatening of the witnesses, the prosecutrix was minor about 16 years old at the time of commission of offence. Therefore, the anticipatory bail granted to respondent No.2-accused is liable to be cancelled.

I have heard learned counsel for the petitioner.

This Court has perused the record and noticed that daughter of the petitioner and respondent No.2-accused had approached this Court by way of *CRM-M-13136 of 2019* titled as *Rajan Masih and another Versus State of Punjab and others* to seek protection of their life and liberty as they solemnised marriage against the wishes of the petitioner and his other family members. The said petition was disposed of by this Court vide order dated 20.03.2019. The culpability of the accused is yet to be established during trial.

So far as the plea of the petitioner regarding grave apprehension of tampering with the prosecution evidence and threatening of the witnesses at the hands of respondent No.2-accused is concerned, the same cannot be accepted at this stage as the anticipatory bail granted to respondent No.2 cannot be cancelled merely on the basis of apprehension of the petitioner.

Therefore, this Court finds that no ground is made out to cancel the anticipatory bail granted to respondent No.2 vide order dated 30.05.2019 (Annexure P-8) passed by learned Additional Sessions Judge, Gurdaspur.

The present petition is, accordingly, dismissed.

July 08, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No