

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

CRM-M-32686-2019 (O&M)
Date of Decision:- 26.9.2019

Mohammad Bilal ... Petitioner

Versus

State of U.T. Chandigarh ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vijay Lath, Advocate, for the petitioner.

Mr. Randeep Singh Rai, Public Prosecutor,
U.T. Chandigarh with
Mr. J.S.Toor, Addl. PP, U.T. Chandigarh.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Mohammad Bilal, seeks grant of regular bail in a case registered vide FIR No.308, dated 26.12.2018, registered at Police Station Sarangpur, U.T. Chandigarh, under Sections 363, 420, 467, 468, 471 IPC.
2. The FIR was registered at the instance of Arvind Kumar Singh wherein it has been alleged that his daughter Monika went to Village Mohanganj, District Partapgarh, U.P., about one month back along with him. It is alleged that when they started their journey back to

Chandigarh and reached at Dhanas, Bus Stand, while he was walking ahead and his daughter was following him, he shortly thereafter noticed that his daughter was not there. It is alleged that his daughter is aged more than 17 years and that he however, does not suspect anyone.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact it is a case where the complainant's daughter had voluntarily accompanied the petitioner and had solemnized marriage. It has been submitted that since the said marriage was solemnized against the wishes of the parents of the girl, the petitioner as well as his wife were apprehending threats to their lives and liberty and were constrained to approach this Court by way of filing CRM-M-332-2019, seeking protection wherein directions were issued by this Court to Senior Superintendent of Police, U.T. Chandigarh, to protect the lives and liberty of the petitioners. Learned counsel has further pointed out that subsequently when the complainant filed a Habeas Corpus petition, the complainant's daughter was produced in the Court by the petitioner and this Court vide order dated 13.5.2019 had ordered for sending the complainant's daughter to Children Home namely Aashiana, Sector 15, Chandigarh.
4. Opposing the petition, the learned State counsel has submitted that it is a case where the complainant's daughter was a minor and the petitioner after having enticed complainant's daughter had approached this Court by forging the Aadhaar Card of the

complainant's daughter and by such misrepresentation had obtained orders pertaining to their protection. It has also been submitted that since the alleged marriage was solemnized by changing the religion of complainant's daughter without her consent or without the consent of the complainant, no case for grant of bail is made out. It has however, been informed that the investigation is complete and challan already stands presented and that the petitioner has been behind bars since the last about 4 months.

5. Having considered rival submissions addressed before this Court and while noticing that the petitioner has been behind bars since the last about 4 months and challan already stands presented, further detention of the petitioner will not serve any useful purpose as the trial is yet to commence. The petition, as such, is accepted and petitioner-Mohammad Bilal be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

September 26, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No