

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

CRM-M-34114-2019 (O&M)
Date of Decision:- 4.12.2019

Pawan Kumar

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gautam Diwan, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana,
assisted by ASI Jai Bhagwan.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Pawan Kumar, seeks grant of anticipatory bail in a case registered vide FIR No.126, dated 1.5.2019, registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar, under Sections 363, 366 IPC (Section 376(3) IPC and Section 4 of POCSO Act added later on).
2. The FIR was lodged at the instance of complainant Nagender Baba wherein it has been alleged that his daughter aged 17 years went missing on night intervening 29-30.4.2019 and that he suspects that

Pawan Kumar had enticed away his daughter on the pretext of marrying her.

3. Learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and in fact it is a case where complainant's daughter had voluntarily left her parental home and had solemnized marriage with the petitioner. Learned counsel has further submitted that when the statement of the complainant's daughter was recorded in terms of Section 164 Cr.P.C. she categorically stated that she had left her house out of her own accord and free will.
4. Learned counsel for the petitioner has further submitted that after solemnization of marriage when the petitioner and his wife i.e. complainant's daughter apprehended threat to their life and liberty, they were constrained to approach this Court by way of filing CWP No.13751-2019 seeking protection wherein certain directions were issued to SHO Police Station Sadar Yamuna Nagar, District Yamuna Nagar to look into the matter.
5. Opposing the petition, learned State counsel has submitted that since the complainant's daughter was aged less than 18 years, therefore, no case for grant of anticipatory bail is made out.
6. I have considered rival submissions addressed before this Court. Given the fact that the complainant's daughter is aged 17 years and has categorically stated in her statement recorded under Section 164 Cr.P.C. that she had left her house out of her own accord, it will certainly be debatable as to whether the complainant's daughter was

enticed away by the petitioner or as to whether she had left her parental home out of her own free will. In any case, since the petitioner is already stated to have joined investigation, his custodial interrogation is not warranted. The petition, as such, is accepted and interim directions issued vide order dated 22.8.2019 are made absolute subject to the condition that the petitioner shall appear before the Trial Court regularly and to abide by any such condition as imposed by the Trial Court for ensuring his appearance regularly in the Trial Court.

December 4, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No