

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

CRM-M-34520-2019 (O&M)
Date of Decision:- 18.12.2019

Rahul Gill ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Vinay Kumar, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Karam Chand.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Rahul Gill, seeks grant of anticipatory bail in a case registered vide FIR No.55, dated 15.5.2018, registered at Police Station Islamabad, District Amritsar, under Sections 363, 365, 120-B IPC.
2. The FIR was lodged at the instance of Balwinder Kaur wherein it has been alleged that her daughter aged 21 years has solemnized 'love'

marriage with Rahul Gill (petitioner) on 26.7.2017. However, shortly after their marriage, the relations became strained and her husband started beating her. It is alleged that since the last about 5 months complainant's daughter had started residing with the complainant and had also filed a divorce petition. It is alleged that on 14.5.2018 while complainant's daughter was returning back home on her scooter, she was waylaid by a Swift Dezire car bearing registration No. PB08BC-4035 and that the petitioner accompanied by 2-3 unidentified persons came out of the car and forcibly pushed complainant's daughter in the car and took her to some unknown place.

3. Learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner simply in order to pressurize him as there is some matrimonial discord between the petitioner and his wife i.e. complainant's daughter.
4. Opposing the petition learned State counsel has submitted that since specific allegation of abduction has been levelled against the petitioner and divorce petition is already pending for dissolution of marriage of the petitioner with the complainant's daughter, no case for grant of anticipatory bail is made out.
5. I have considered rival submissions addressed before this court. It is not disputed that there is some kind of matrimonial discord between the petitioner and his wife. It is only after the entire evidence is recorded that it may be found as to whether the petitioner has indeed abducted complainant's daughter or not. In any case, since the petitioner is stated to have joined investigation, the facts of the case

do not warrant custodial interrogation. The petition, as such, is accepted and interim directions issued vide order dated 26.8.2019 are made absolute subject to the condition that the petitioner shall appear and join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

December 18, 2019

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No