

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

CRM-M-35962-2019

Date of decision:03.12.2019

ASHOK KUMAR @ JASWANT SINGH

....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Kartik Gupta, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of anticipatory bail in respect of FIR No.24 dated 20.3.2019 under Sections 363, 366-A, 376, 120-B IPC and Section 4 POCSO Act, Police Station Talwara, District Hoshiarpur.
2. The FIR was lodged at the instance of Tej Lal wherein it has been alleged that his niece aged about 17 years and 10 months left her house on 17.3.2019 in order to purchase some essentials from market but did not return back. Although they tried to look for her but she could not be found. The complainant alleged that he suspected that Vicky had enticed away his niece on the pretext of marrying her.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the complainant's niece had left her home on her own accord and out of her sweet will so as to join Vicky

who happens to be brother-in-law of the petitioner and that the petitioner and his wife (sister of Vicky) are now sought to be implicated as an accused simply to pressurize the entire family. Learned counsel has further submitted that even as per the statement of the victim recorded under Section 161 Cr.P.C. as well as Section 164 Cr.P.C., there is no allegations that the petitioner had committed any wrong with the victim.

4. Opposing the petition, learned State counsel has submitted that since the victim was taken in a car driven by the petitioner, his complicity in the entire occurrence is evident and in these circumstances, he does not deserve the concession of bail.
5. I have considered rival contentions addressed before this Court. It transpires that the victim had left her house out of her own accord. Although the victim being aged 17 years and 10 months, it would be debatable as to whether she had been enticed away so as to attract any penal offence or as to whether she had left her house on her own accord, but all said and done, it cannot be said that the petitioner had enticed away the victim though he may have a role in ferrying Vicky and the victim in his car. Bearing in mind the aforesaid facts and circumstances and also that the petitioner has already joined investigation, in my opinion, it is not a case which would warrant custodial interrogation. Accordingly the petition is accepted and the interim directions issued vide dated 30.08.2019 by this Court are hereby made absolute subject to the condition that the petitioner would appear before Investigating Officer as and when called upon to do so and cooperate with the Investigating

Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

03.12.2019
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No