

**101+212 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-35890-2019 (O&M)
Date of Decision : 02.12.2019

Soka @ Ashoka @ Ashok KumarPetitioner

versus

State of PunjabRespondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Munish Puri, Advocate
for the petitioner.

Mr. Pawan Sharda, Senior DAG, Punjab
for the respondent-State.

FATEH DEEP SINGH, J.

A case by way of FIR No.18 dated 06.02.2018 under Sections 376, 363 and 366 of the Indian Penal Code and Section 4 of the POCSO Act, 1912, Police Station Kanwan, District Pathankot, was got registered by Mangal Dass, father of a girl, then aged around 17 years.

The brief allegations were to the effect that on 25.01.2018, the daughter of the complainant, during early hours of

the day had gone to answer the call of nature and, thereafter, never returned. On suspicion, the present case was got registered against the accused/non-applicant-Sunny.

Learned counsel for the petitioner *inter alia* contends that the daughter of the complainant and principal accused, were in a relationship and has filed protection petition, regarding which, orders were passed by the Court of the learned Sessions Judge, Amritsar (Annexure P-3) and it is submitted that neither any role is assigned to the petitioner nor he is named in the FIR and has been summoned as an additional accused.

The learned State counsel, on instructions from ASI Som Dutt, Police Station Kanwan, District Pathankot, does not displace the facts that have been canvassed before this Court by learned counsel for the petitioner but has opposed the grant of bail on the grounds of seriousness of the allegations.

The petitioner is neither named in the FIR nor any specific role is attributed to him in the commission of offence. Similarly placed co-accused, Amrik Singh @ Mikka @ Bikka @ Baba has been allowed this relief vide order dated 16.10.2019 passed by this Court and the case of the petitioner is not distinguishable from that of the said co-accused.

In view of the aforesaid, the present petition is allowed. Petitioner would appear before the Trial Court within

15 days from today. In the event of arrest, the petitioner shall be released on bail to the satisfaction of the learned Trial Court till trial is concluded. The petitioner shall, however, appear as and when called for and shall also abide by the conditions specified under Section 438 (2) Cr.P.C.

The petition stands disposed off accordingly.

02.12.2019
Neha

(FATEH DEEP SINGH)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No