

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

CRM-M-46424-2019 (O&M)
Date of Decision:-26.11.2019

Dalip Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ravi Malhotra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.87 dated 24.7.2019 at Police Station Division No.1, District Jalandhar under Sections 363, 366 and 376 of Indian Penal Code.
2. The FIR was lodged at the instance of Ram Lakhan, wherein it has been alleged that his youngest daughter aged 16 years studies in Class 10th in Government Senior Secondary School, Maqsudan. However, on 22.7.2019 she did not return back from her school. Although the complainant and others tried searching for his daughter but she could not be traced. The complainant alleged that he suspected that Dalip Kashyap had enticed away his daughter with an intention to solemnize marriage.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case mainly on account of the fact that the complainant's daughter had solemnized marriage with the petitioner against the wishes of her parents. The learned counsel has further submitted that statement of the prosecutrix was recorded in terms of Section 164 Cr.P.C., wherein she did not utter a word against the petitioner and that in these circumstances the petitioner deserves the concession of bail.
4. Opposing the petition, the learned State counsel has submitted that since the complainant's daughter was a minor being aged just about 16 years when she was enticed away by the petitioner, no case for grant of bail is made out. It has, however, been informed that investigation stands concluded and challan has already been filed.
5. Having regard to the facts and circumstances of the case and that the prosecutrix in her statement recorded under Section 164 Cr.P.C. has not supported the case of prosecution and also that challan already stands presented, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

26.11.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No