

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

CRM-M-48016-2019 (O&M)
Date of Decision:-11.12.2019

Ankul @ Ankur

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Kuldeep Kaur, Advocate for
Mr. Virender Singh, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab,
assisted by ASI Balour Singh.

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.154 dated 5.9.2019 at Police Station Divisions No.3, District Police Commmissionerate, Ludhiana under Sections 363 and 366-A of Indian Penal Code wherein Sections 4 and 8 of POCSO Act and Section 376 IPC were added later on.
2. The FIR was registered at the instance of Hazare Lal, wherein it has been alleged that he had adopted his sister's daughter aged about 16 years, about two years back. It is alleged that on 20.8.2019, the petitioner had enticed away his daughter but he managed to bring back his daughter to Ludhiana on the same day itself. It is further alleged that subsequently on the night intervening 26.8.2019-27.8.2019, the said boy i.e. the petitioner Ankul @

Ankur again allured away his daughter and although they searched for her but she could not be found.

3. The learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and that infact it is a case where the complainant's allegedly adopted daughter had voluntarily left her house and had solemnized marriage with the petitioner. The learned counsel has further submitted that since the petitioner as well as the complainant's allegedly adopted daughter apprehended threat to their lives they had approached this Court seeking protection by way of filing CWP-22747 of 2019, wherein certain directions had been issued to SHO, Police Station, Zirakpur, District Mohali.
4. Opposing the petition, the learned State counsel has submitted that while the age of the complainant's adopted daughter as per Aadhar Card is more than 18 years, but as per the school record she is aged less than 18 years. It has further been informed that when the statement of the prosecutrix was recorded in terms of Section 164 Cr.P.C. she did not support the case of the prosecution and that as on date the complainant's allegedly adopted daughter is staying in Children Home at Jalandhar. It has further been submitted that in the present case although challan already stands filed but none of the cited 13 PWs has been examined so far as charges are yet to be framed.
5. Having regard to the facts and circumstances of the case and bearing in mind that it will be debatable as to whether the petitioner had enticed away complainant's allegedly adopted daughter or as to whether she had willingly accompanied him since she has not stated anything against the petitioner in her statement recorded in terms of Section 164 Cr.P.C. and while noticing

that challan already stands presented but none of the cited 13 PWs has been examined, 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.

11.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No