

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

CRM-M-51756-2019 (O&M)

Date of Decision:-10.12.2019

Satish Kumar @ Happy

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K. Choudhary, Advocate for the petitioner.

Ms. Ruchika Sabherwal, Assistant Advocate General, Punjab,
assisted by ASI Balwinder Kumar.

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.55 dated 5.9.2019 at Police Station Sadar, District Pathankot under Sections 363 and 366-A of Indian Penal Code, wherein offence under Section 120-B IPC was deleted later on.
2. The FIR was lodged at the instance of Bishan Dass, wherein it has been alleged that his daughter aged about 17 years went to school on 27.8.2000 as per routine but did not return back. Although they made efforts to search for her but she could not be found. Later they came to know from the school teacher that complainant's daughter alongwith another girl had left the school at about 12:30 P.M. Subsequently, the complainant came to know that the other girl, who went missing alongwith complainant's daughter, had returned back to her house and from the aforesaid girl they came to know that complainant's daughter had gone to Jammu and from thereon they went to Katra and from where the said girl was brought back by her uncle but complainant's daughter did not return.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that it is a case where the complainant's daughter had left her home voluntarily. The learned counsel has further submitted that upon recovery of the complainant's daughter her statement was recorded in terms of Section 164 Cr.P.C., wherein she has not stated a word against the petitioner and has stated that she had left her house voluntarily.
4. Opposing the petition, the learned State counsel has submitted that since the complainant's daughter and the petitioner were recovered together, it is apparant that the petitioner had enticed away the complainant's daughter and, as such, he does not deserve the concession of bail.
5. I have considered rival submissions addressed before this Court.
6. It apparently appears to be a case where the complainant's daughter had left her house voluntatily. It will be a matter of evidence as to whether or not the victim had been enticed away by the petitioner in any manner. In any case, the victim has not stated a word against the petitioner when her statement in terms of Section 164 Cr.P.C. was recorded. In these circumstances, further detention of the petitioner will not serve any useful purpose. 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.

10.12.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No