

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

CRM-M-8817 of 2020 (O&M)
Date of Decision: March 04, 2020

Bholi Devi and another

...Petitioners

Versus

State of Punjab

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Karan Kaushal, Advocate
for the petitioners.

Mr. Sidakmeet Singh Sandhu, AAG Punjab.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioners in case FIR No.72 dated 08.12.2019, under Sections 363, 366-A, 120-B of Indian Penal Code and Section 8 of POCSO Act, registered at Police Station Taragarh, District Panchkula, Punjab.

Learned counsel for the petitioners contends that the petitioners herein were taken into custody in the aforesaid FIR on 09.12.2019. It is submitted that Section 8 of POCSO Act has since been deleted by the investigating agency. It is contended that initially in the FIR that was lodged, only on allegations levelled by the complainant was that her young daughter had disappeared and it had come to her knowledge that Raman

Kumar @ Bawa had enticed away her daughter with the intention to solemnize the marriage. It is argued that the petitioners herein, who are parents of said Raman Kumar alias Bawa have no role to play in the said disappearance of the daughter of the complainant with their son.

Per contra, learned State counsel, on instructions from the Investigating officer, opposes the grant of regular bail to the petitioners, while contending that daughter of the complainant has yet to be recovered, however, he does not deny the fact that Section 8 of POCSO Act has since been deleted by the investigating agency.

I have heard learned counsel for the parties.

In view of the facts that the petitioners herein have been in custody since 09.12.2019; that initially in the FIR that was lodged, no role had been attributed to them and it is only in the supplementary statement that was made, as pointed out by counsel for the petitioners, the petitioners herein have been roped in; that in all probabilities in case they had any knowledge of the whereabouts of daughter of the complainant that would have been disclosed to the investigating agency when they were arrested; and that merely on account of the fact that daughter of the complainant has not been recovered, in the opinion of the court, would not be a reason enough to keep them in custody. As such, at this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioners are directed to be released on regular bail on execution of adequate personal bond and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

However, it is made clear that in case, at any later stage it is

found that the petitioners herein had an active role to play in the disappearance of the daughter of the complainant, the respondent-State is at liberty to approach this court for cancellation of their bail.

Needless to say, anything observed or said by this court is only for the purpose of deciding the instant petition for grant of regular bail and the same shall have no affect on the merits of the case.

March 04, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

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