

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

CRM-M No.15405 of 2020
DATE OF DECISION : 1st JULY, 2020

Lalan Shah

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present: Mr. Amandeep Singh, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.279 dated 28.10.2019 registered under Sections 363 & 366-A IPC (Sections 376 & 120-B IPC and Section 4 of the POCSO Act, 2012, have been added later on) at Police Station Salem Tabri, District Ludhiana.

It is contended by the counsel for the petitioner that the name of the petitioner has unnecessarily been dragged in the matter. The main case of the prosecution is that the daughters of the complainant had run away with the son of the petitioner. The name of the petitioner has been sought to be involved only as a pressure tactic because the police have not been able to locate the son of the petitioner and younger daughter of the complainant so far. It is only the elder daughter of the complainant, who is alleged to have made a statement after coming back, that the petitioner also promised to them to get the girls married to his sons. However, there is not even any allegation that the petitioner

actually participated either in the process of the girls leaving their house or thereafter. The petitioner is in custody since 02.02.2020. The challan has already been filed. The petitioner is not required for any investigation purposes. Hence, the petitioner deserves to be released on bail.

Notice of motion.

Mr. Gaurav Garg Dhuriwala, Sr. DAG, Punjab, accepts notice on behalf of the State.

The learned counsel for the State, being instructed by ASI Prem Singh, submits that the petitioner has positively participated in the crime. The statement of the elder daughter of the complainant, which she made after returning home, duly names the petitioner as the person who helped his son to entice away the daughters of the complainant. However, it is not disputed that the petitioner is in custody since 02.02.2020 and that the younger daughter of the complainant is still alleged to be with the son of the petitioner, whose whereabouts are not known so far.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

1st JULY, 2020
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>