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

CRM-M No. 16506 of 2020
Date of Decision: 27.10.2020

Kanhiya Lal

-Petitioner

Vs

State of Punjab

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sunil Kumar Bhoria, Advocate,
for the petitioner.

Mr. Ramdeep Partap Singh, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (ORAL)

The case has been taken up for hearing through video-conferencing.

Petitioner seeks grant of regular bail under Section 439 Cr.P.C. in case bearing FIR No.111 dated 31.12.2019 under Sections 363, 366 and 120-B IPC registered at Police Station Gandha Kheri.

FIR was registered at the instance of Kamlesh Kumar, who alleged that his daughter Anjali was working on daily wages in a nearby scrap shop. One Sakina @ Gudia was also working in the said shop. Sakina @ Gudia allegedly took away the daughter of the complainant. She could not be located thereafter.

The complainant alleged that Sakina @ Gudia had seduced his daughter in order to get her married with some unknown person. The alleged kidnapping took place on 30.12.2019. Anjali was recovered on 03.01.2020 in the area of Allahabad. Her statement under Section 164 Cr.P.C. was recorded before the Judicial Magistrate Ist Class, Rajpura on 07.01.2020 where she has stated that on 30.12.2019, a phone call of Sakina @ Gudia was received on the mobile of Munim of the factory. Munim in turn managed the talk with her. Sakina @ Gudia demanded money from her and also told her to come close the wall opposite the factory to meet her. Anjali went to meet Sakina @ Gudia. Sakina @ Gudia caught her wrist and pulled Anjali along with her. She took her to a petrol pump where they met Kanhiya Lal (petitioner). Anjali had gone in half unconsciousness. Sakina @ Gudia and Kanhiya Lal (petitioner) took her to Ambala Railway Station from where Kanhiya Lal (petitioner) came back and Sakina @ Gudia took her to UP. Kanhiya Lal (petitioner) wanted to solemnize marriage with her. No one has committed any offence under Section 376 IPC with her.

Anjali further stated that she does not want to lodge any case against Kanhiya Lal (petitioner).

Learned counsel for the petitioner submits that the petitioner is in custody since 07.01.2020.

Learned State counsel on instructions from ASI Balwinder Singh admits the factum of filing of challan.

Challan has already been presented, but charges have not been framed.

Owing to the situation arising out of pandemic COVID-19 and without meaning anything on the merits of the case, the petition is allowed. Petitioner is directed to be released on regular bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of trial Court/concerned Duty Magistrate.

Nothing expressed hereinabove would be construed to be an opinion on the merits of the case.

27.10.2020
Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No