

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

CRM-M-37788-2020 (O&M)

Date of Decision:- 24.11.2020

Ashish Masih

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Satish Sabharwal, Advocate, for the petitioner.

Mr. A.P.S.Gill, DAG, Punjab.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.48, dated 19.5.2016, Police Station Makhu, District Ferozepur, under Sections 363, 366-A, 120-B IPC.
2. The FIR was lodged at the instance of Mehal Masih wherein it is alleged that his daughter (prosecutrix) aged about 23-24 years had done ANM course and was previously serving in Mangat Hospital,

Jalandhar but since the last 7-8 months, she was not doing any job and was residing in the village. It is alleged that on 1.5.2016 when all the members of his family went of to sleep, then at about 3 a.m. he heard a noise and he woke up and saw Ashish Masih (petitioner) was sitting in a room and when the complainant went forward, the said Ashish Masih ran away after scaling the wall. It is alleged that on 3.5.2016, the complainant's daughter (prosecutrix) left home while stating that she is going to Jalandhar in connection with her job but she did not return back. It is further stated therein that despite efforts made by them, his daughter could not be traced and later Baljit Mashi, father of Ashish Masih, threatened complainant's son to get engaged his daughter with his son Asish Masih failing which they would elope.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that apart from the FIR in question, there is no evidence worth credence to connect him with the alleged disappearance of the complainant's daughter, who is a matured girl, aged about 23-24 years. It has further been submitted that the police did not even record any statement of the alleged victim under Section 164 Cr.P.C. and nor she was medically examined.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. The learned State counsel has, however, informed that the petitioner has been behind bars since the last more than 4 months and that challan already stands presented and the co-

accused i.e. father of the petitioner has already been granted regular bail.

5. Having regard to the facts and circumstances of the case and while noticing that it is a case where the prosecutrix is a matured girl, aged about 23-24 years and had apparently gone missing from her house and was not forcibly taken by the petitioner, and while also noticing that the petitioner has been behind bars since the last more than 4 months and conclusion of trial is likely to take more time, further detention of the petitioner will not serve any useful purpose as the trial under normal circumstances is not likely to be immediately concluded. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

November 24, 2020
mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No