

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

CRM-M-5304-2022

Date of decision : 09.02.2022

Lali @ Lallu

.....Petitioner

versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present :- Mr. Manoj K. Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Petitioner has approached this Court praying for grant of anticipatory bail to him in case FIR No.174 dated 18.08.2020, under Section 366-A IPC (later on added Sections 376, 376-DA, 109 IPC and Section 4 of POCSO Act, 2012), registered at Police Station Mahilpur, District Hoshiarpur, on the basis of compromise dated 28.10.2020 (Anneuxre P-4).

Learned counsel for the petitioner submits that challan was not filed against the petitioner and co-accused Billa was only arrested. However, as the police did not arrest the petitioner and kept him in Column No.2. However, on perusal of the record, it is apparent that there are specific allegations against the petitioner in the FIR which is registered by Magdu Din, father of the prosecutrix. It is specifically alleged in the FIR that his minor daughter was 15 years of age and on 15th August, 2020, she was sleeping in veranda and when he woke up at 3:00

AM, he found his daughter missing. He has specifically alleged that Lalu son of Fakir, Saunki son of Lalu, Billa, Kayian son of Fakir resident of Village Kalota near NaseraPatan and Shamu son of Roshan resident of Dera Chabbewal have induced his daughter with intent to marry her. On commencement of the investigation, co-accused mentioned above were arrested, however, petitioner evaded his arrest and was kept in Column No.2. Thereafter, he approached the learned Additional Sessions Judge, Fast Track Special Court, Hoshiarpur for grant of anticipatory bail and after hearing counsel for both the parties, the same was declined vide his order dated 31st January, 2022. It is pertinent to note that this was the second application filed by the petitioner for grant of bail.

Learned counsel for the petitioner submits that co-accused Billa has been acquitted as the witnesses have turned hostile. However, as the petitioner is not arrested and the trial was conducted only *qua* co-accused, no benefit of the same can be granted to the petitioner.

In the overall facts and circumstances of the case, no ground for grant of anticipatory bail to the petitioner is made out. Petition being devoid of any merits, is hereby dismissed.

(RAJESH BHARDWAJ)
JUDGE

09.02.2022
m. sharma

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