

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-55321-2022 (O&M)
Date of decision: 30.11.2022

Balinder

... Petitioner

Vs.

State of Haryana

.. Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Agam Jund Mullanpur, Advocate
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.789 dated 31.08.2022 under Section 346 IPC (Sections 363 & 366A IPC and Section 6 of POCSO Act were added later on), registered at Police Station Assandh, District Karnal.

Learned counsel for the petitioner submits that the complainant 'M' (name not disclosed) gave a complaint to the police, in which it is alleged that her daughter 'A' (name not disclosed) aged about 15 years is missing. Thereafter, they were searching for the girl and came to know that she has taken some amount, Aadhar Card and birth certificate and action be taken. On this, FIR was registered under Section 346 IPC. During the investigation, it is found that daughter of the complainant along with one Satish has filed CRWP-

10012-2022 before this Court praying for protection of their lives and liberty and the complainant and her family members were made as party-respondents. In the petition, it was stated that both the petitioners are major and on 19.10.2022, said petition was disposed of with a direction to the Superintendent of Police, Karnal to consider the representation submitted by them. It is further submitted that Satish was arrested, after statement of the victim was recorded under Section 164 Cr.P.C., wherein it is stated that she has solemnized marriage with Satish and want to live with him. However, on counselling, it was found that a fake Aadhar Card of the victim was prepared, so as to show her age above 18 years.

Learned counsel has further submitted that after arrest of Satish, his disclosure statement was recorded, in which he identified the photostat shop, where he got prepared fake Aadhar Card and thereafter, he named the petitioner in the second disclosure statement as a person, who took him to the photostat shop, where the shop owner prepared fake Aadhar Card. It is also submitted that in fact, the petitioner is neither related to Satish nor there is any such allegation in the disclosure statement of Satish, rather the petitioner is having few tenants in the rooms constructed over a plot and Satish was introduced to the petitioner by another tenant that Satish and his wife wanted to take the room on rent.

Notice of motion.

On asking of the Court, Mr. Deepak Kumar Grewal, DAG, Haryana accepts notice on behalf of the respondent-State and has, however,

opposed the prayer on the ground that the petitioner is actively involved in the commission of offence and he helped in preparation of fake Aadhar Card, however, it could not be disputed that the petitioner is not owner of the photostat shop, where the fake Aadhar Card was prepared.

After hearing learned counsel for the parties and considering the allegations against the petitioner, this petition is allowed and the petitioner is granted the concession of anticipatory bail subject to the conditions envisaged under Section 438 (2) Cr.P.C.

30.11.2022
vishnu

[ARVIND SINGH SANGWAN]
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No