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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-7763-2023

Date of Decision:- 26.04.2023

Jaffar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM:-HON'BLE MS. JUSTICE AMARJOT BHATTI

Present:- Mr. Liaqat Ali, Advocate
for the petitioner.

Mr. M.S.Joshi, Addl. A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner – Jaffar has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No. 122 dated 06.10.2021 under Section 363, 366-A, 354, 376(2)(n), 506, 120-B, 34 of IPC and Section 4, 5, 6 and 12 of POCSO Act, registered at Police Station Ahmedgarh, District Malerkotla.

The facts of the case are that the complainant - Noor Hassan filed complaint that he is a driver by profession, having four children. His youngest daughter i.e. the victim as per her routine went to school on 04.10.2021 at around 07:30 A.M. At about 9 o' clock, he received call from school teacher that his daughter did not reach school. His daughter was studying in 9th class in Government School, Bhogiwal and her date of birth is mentioned as 30.12.2003. He along with his family members tried to search her but could not locate her whereabouts and ultimately, the matter was reported to the police. During investigation, the victim

appeared on 24.02.2022 and her statement was recorded under Section 164 Cr.P.C. before Sub Divisional Judicial Magistrate, Malerkotla. She was also medically examined. After the completion of investigation, challan was presented against Mir Ali and Mohd. Yonus on 25.04.2022, whereas, the supplementary challan is already presented against the present petitioner on 25.01.2023.

Learned counsel for the petitioner argued that he is falsely implicated in this case. In fact, the alleged victim and Manjur Ali performed marriage on 04.10.2021. Copy of their Nikahnama is Annexure P-2 and the photographs are Annexure P-3. They also filed protection petition bearing Civil Writ Petition No. 9787 of 2021, titled "Manjur Ali and another Versus State of Punjab and others". The order passed in that case is Annexure P-4. The parents of alleged victim had agreed to withdraw the said FIR. The victim got pregnant and she was taking treatment from asha worker. The victim had gone to her parents house to meet them. After few days, when Mir Ali and Mohd. Yonus went to bring her back, the father of the alleged victim called the police. He has not committed any offence. It is prayed that his regular bail application may be allowed.

Bail application is opposed by learned counsel representing the State. The status report is also filed. As per record, the present petitioner is specifically named. He along with other co-accused abducted the victim in a car. She was brought to Jalandhar. Specific role is attributed to him. Considering the gravity of offence, the petitioner is not entitled to the concession of regular bail.

I have considered the arguments and have gone through the record. The present petitioner was arrested in this case on 01.12.2022.

After completion of entire investigation, supplementary challan has been presented in the Court on 25.01.2023. He has already joined the investigation. The contents of the bail application indicate that the main allegation is against Manjur Ali. It is alleged that the victim and Manjur Ali had performed marriage and they had also approached the Hon'ble High Court seeking protection. Copies of Nikahnama and photographs are also placed on record. So far as the present petitioner is concerned, it is alleged that he had helped Manjur Ali. The petitioner is ready to abide by the terms of bail order. No purpose would be served by keeping him behind the bars. Therefore, the regular bail application filed by the petitioner – Jaffar is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge concerned.

The petition is accordingly, accepted.

26.04.2023

lalit

(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No