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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CRM-M-14053-2023****Date of decision : 09.05.2023**

Raji

... Petitioner

Versus

State of Punjab

... Respondent

CORAM : HON'BLE MS. JUSTICE AMARJOT BHATTI

Present: Mr. G.S. Bhatia, Advocate for the petitioner.

Mr. Kunwarbir Singh, Assistant A.G. Punjab.

AMARJOT BHATTI J. (ORAL)

The petitioner - Raji has filed anticipatory bail petition under Section 438 Cr.P.C. in FIR No. 271 dated 31.10.2022, under Section 363, 366-A and 212 of IPC, registered at Police Station Gate Hakima, Amritsar.

The facts of the case are that Harbhajan – complainant gave his statement that he is father of a son and a daughter. The victim was born on 17.04.2006 and passed her 10th standard from Government Senior Secondary School, Dhapai, Amritsar in the year 2022. On 28.10.2022, after taking their meals, entire family went to sleep and in the morning when they got up, they found that his daughter was missing from the house. He tried to search his daughter at his own level but failed. Even earlier Lali son of Dara Singh had enticed away his daughter but she had returned back in the evening. Now he again suspected Lali son of Dara Singh for enticing away his daughter. He further stated that Raji mother of Lali, his sister Neeru, aunt Khali are also

involved in this occurrence. With these allegations present case has been registered.

Learned counsel for the petitioner argued that she is falsely implicated in this case being mother of the boy. There is nothing on record to establish her involvement in the commission of said offence. It is pointed out that the victim did not want to stay with her family and she was sent to Nari Niketan. She was not aware of any such step taken by her son. She is ready to join the investigation. It is prayed that her anticipatory bail application may be allowed.

The bail application is opposed by learned counsel representing the State. I have gone through the status report, according to which the challan in this case has been presented regarding the accused Lali on 10.01.2023. The charge has been framed but till date no prosecution witness has been examined. It is further conceded that the present petitioner has joined the investigation in this case. Considering the gravity of offence, the anticipatory bail application filed by the petitioner Raji may be dismissed.

I have considered the arguments and have gone through the record carefully. The present petitioner is the mother of main accused Lali who is already arrested in this case and is facing trial. The victim was recovered and the accused Lali was also arrested on 11.11.2022. The statement of the victim was recorded under Section 164 Cr.P.C. It is admitted that she did not join the company of her parents and was produced before Child Welfare Committee, Amritsar and was further sent to Bhavans Aashray, B Block, Bhai Gurdas Ji Nagar, New Amritsar, GT Road, Amritsar. Thereafter, she joined the company of her parents. The present petitioner who is the mother of main accused has

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already joined the investigation. No recovery is to be effected from her. She is still ready to abide by the terms of bail order. Therefore, the anticipatory bail application filed by the petitioner – Raji is allowed. She be not arrested. In case of her arrest, she be released on bail to the satisfaction of Arresting/ Investigating Officer, subject to the conditions enshrined under Section 438 (2) Cr.P.C.

The petition is accordingly accepted.

09.05.2023

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No