

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

206

CRM-M-48061-2023
Decided on: 01.02.2024

Karan @ Karan Kumar ...Petitioner

Versus

State of Punjab and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Sarvesh Kumar Gupta, Advocate for the petitioner.

Mr. Digvijay Nagpal, AAG, Punjab.

Mr. Hardeep Singh, Advocate for
Mr. Sajan, Advocate for respondent No.2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
41	28.06.2023	Khui Khera, District Fazilka	363, 366A, 120B IPC

1. The petitioner apprehending arrest in the FIR captioned above, had come up before this Court under Section 438 CrPC seeking anticipatory bail by filing the present petition in September 2023.

2. Vide order dated 22.09.2023, Co-ordinate Bench of this Court had granted interim bail to the petitioner subject to his joining investigation and the said order is continuing till date.

3. Facts of the case are being taken from reply dated 22.01.2024, which reads as under:-

“3 That the facts of the case are as under.-
(i) The FIR in question was registered against two accused namely (1) Uday Partap Singh son of Dalip Kumar and (2) Karan@ Karan Kumar son of Bhim Sen (present petitioner) on the statement of Sham Lal son of Sohan Lal on the allegations that the accused by hatching a criminal conspiracy, took away the victim minor daughter of the complainant Sham Lal by way of allurement that the accused will marry with her. It was stated by the complainant that he has three children. On 22.06.2023, the complainant and his family members went to sleep and when he woke up at 3.00AM morning, the victim minor daughter of the complainant was not on her bed. The complainant and her family members started searching the victim and during search, the

complainant came to know that the accused enticed away the victim by way of allurements that the accused will marry with her.

(ii). The date of birth of the victim is 18.09.2005 as per the school record and she was minor at the time of occurrence.

(iii). The accused Uday Partap Singh and the victim filed a petition CRWP No.6525 of 2023 in this Hon'ble High Court whereby alleged to be living in live-in-relationship and apprehending danger to their life and liberty from the hands of the family members of the victim, sought protection to their life and liberty. The said petition was disposed of by this Hon'ble Court vide order dated 04.07.2023."

4. Petitioner's counsel submits that main accused Uday Partap Singh has already been released on bail by this Court vide an order passed in CRM-M-50931-2023. The said fact remains undisputed by the State. Allegations against the petitioner are that he was a friend of Uday Partap Singh, who had allured the minor girl on the pretext of marrying her. It remains undisputed that it was the minor girl who had left her home and it cannot be said prima facie that she was taken away by Uday Partap Singh in connivance with the petitioner who was just a friend of said Uday Partap Singh. Further, victim was in relationship with Uday Partap Singh and not with the petitioner and even there is no allegation against him.

5. Given above, petition is allowed and interim order dated 22.09.2023 is made absolute. Pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

01.02.2024
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Whether speaking/reasoned: Yes
Whether reportable: No.