

In the Court of Mrs. Jagdeep Kaur Virk, UID no. PB0152
Additional Sessions Judge,
Ludhiana

Bail Application No.173 dated 20.04.2018
CNR No.PBLD010083992018
CIS No. BA/3034/2018
Date of Order: 08.05.2018

State
versus

1. Rajinder Singh aged about 45 years son of Pritam Singh
2. Jaswinder Kaur aged about 43 years wife of Rajinder Singh
resident of Village Sahabana, Ludhiana.

.....applicants-accused

FIR No.101 dated 08.04.2018
under Section 363, 366-A IPC
P.S. Division no. 7, Ludhiana

Present: Ms. Parminder Kaur Arora, Advocate
for applicants-accused
Mrs. Monika Gupta, Addl.PP for State
along with ASI Ranjit Singh, No.1455/Ldh.

ORDER

On 19.04.2018 applicants-accused filed an application under
Section 438 Cr.PC seeking anticipatory bail in FIR No. 101 dated
08.04.2018, under Section 363, 366-A IPC, P.S. Division no. 7, Ludhiana.

2. On notice, Addl. PP for State appeared and police record is
produced by ASI Ranjit Singh.

3. I have heard arguments of learned Counsel for the applicants-
accused and learned Addl.PP for State and have gone through the police
record.

4. It is contended by learned Counsel for applicants that name
of the applicants have not been mentioned in the FIR. That Gagandeep
Kaur who is the daughter of the complainant having love affair with their
son Mandeep Singh. On 5.4.2018, Gagandeep Kaur herself called the son

of the applicants to take her away as she does not want to marry with another boy but applicant's son refused to marry her and told her to stay calm. Gagandeep Kaur threaten their son to take her away and ultimately on the same night, on 6.4.2018 at 1:00 AM she ran away from her house and reached at Samrala Chowk, Ludhiana where son of applicants-accused came and both decided to leave Ludhiana. So the applicants have not committed any offence or hatched any conspiracy. Since then applicants have no knowledge about the whereabouts of their son and said girl. No recovery is to be effected. Besides, applicants-accused are ready to join the investigation and to abide by the terms and conditions to be imposed by this Court. Thus, applicants may be released on anticipatory bail.

5. On the other hand, learned Addl. PP for the State opposed the bail application on the ground that prosecutrix is yet to be recovered.

6. During course of arguments ASI Ranjit Singh has suffered a statement which is reproduced as below:

“Stated that under instructions of Investigating Officer (IO), ASI Resham Singh, (IO has proceeded to the Hon'ble High Court), I have brought the police record of FIR no. 101 dated 8.4.2018, u/s 363, 366-A IPC, PS Division no. 7, Ludhiana. The applicants Rajinder Singh son of Pritam Singh and Jaswinder Kaur wife of Rajinder Singh are not named as accused in the FIR.”

7. As per the version of FIR, the allegation is that on the intervening night of 5/6.4.2018 prosecutrix went missing from her home. Jaswinder Kaur wife of Kulwant Singh (mother of the prosecutrix) on

8.4.2018 lodged information with the police that Mandeep Singh son of Rajinder Singh, Resident of Village Sahabana, PS Sahnewal had enticed away her daughter Gagandeep Kaur on the pretext of marriage.

8. It is not the plea of the prosecution that applicants-accused are not required for the purpose of investigation. The matter is under police investigation. Recovery of prosecutrix is yet to be effected. The applicants are parents of accused Mandeep Singh. The applicants have apprehension of arrest. Admittedly, applicants-accused are not named in the FIR. Till date none of the applicants is nominated as accused.

9. Under these circumstances, the application seeking anticipatory bail is disposed off with direction that in case applicants are nominated as accused and to be arrested by the concerned police then at least, three days prior notice shall be given to them so as to enable them to seek remedy as per law accordingly. This order will operate only for three months from today i.e. 08.05.2018. Police record be returned. Copy of bail order be sent to the SHO/In-charge of Police Station concerned through Naib Court.

Pronounced on: 08.05.2018
Sonia Gupta

(Jagdeep Kaur Virk)UID No.PB0152
Addl. Sessions Judge, Ludhiana