

(2010) 12 P&H CK 0486

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal M. No. 37055-M of 2010

Zano and Others

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision: Dec. 24, 2010

Acts Referred:

- Penal Code, 1860 (IPC) - Section 120B, 363, 366

Hon'ble Judges: Nirmaljit Kaur, J

Bench: Single Bench

Judgement

Nirmaljit Kaur, J.

Prayer made in the present petition is for grant of regular bail to the Petitioner in case FIR No. 140 dated 19.10.2010 registered under Sections 363/366, 120B IPC at Police Station Mukerian District Hoshiarpur.

2. The allegation against the Petitioners is that the present Petitioners forcibly took away Boti @ Salma Bibi for getting her married to Murad Ali son of Kasam.

3. It is not disputed that said Salma Bibi @ Boti and Murad Ali filed Crl. M. No. 33950 of 2010 praying for protection to their lives and liberty at the hands of her family members. The said petition was disposed of vide order dated 18.11.2010. The following order was passed in the same:

Petitioners claim that on having attained majority they have married against the wishes of their family members. Apprehending threat to their life and liberty, they have filed this petition for protection.

Notice of motion for 2.2.2011.

Meanwhile, an interim direction is issued that the Petitioners will not be forcibly taken in custody by any of the Respondents on the allegation that Petitioner No. 2 has been kidnapped or abducted by Petitioner No. 1.

4. Learned Counsel for the complainant, however, vehemently opposed the bail application and stated that Salma Bibi is already married to some one else.
5. Be that as it may, it is evident that Salma Bibi @ Boti is residing out of her own free will with Murad Ali. Therefore, it is doubtful as to whether the offences alleged against the Petitioners are made out.
6. In view of the above, the Petitioners are ordered to be released on bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Hoshiarpur.
7. Allowed as above.