

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**Crl. Misc. No.M-14655 of 2016
Date of decision : 05.05.2016**

Sunil Kumar

.....Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. K.S. Aulakh, AAG, Punjab.

ANITA CHAUDHRY, J(ORAL)

The petitioner is seeking regular bail in FIR No.100 dated 24.09.2015, registered under Sections 363, 366-A, 120-B IPC, Police Station City Batala, District Gurdaspur.

The counsel for the petitioner contends that the petitioner is in custody since 25.09.2015. He states that though the girl was missing since 20.09.2015, the FIR was lodged only on 24.09.2015 and the girl did not get herself medically examined and after the filing of the challan, the statement of the prosecutrix has been recorded by the Court and in the cross-examination, she has given a totally different statement. The counsel states that the girl had made a complaint to the SSP against her mother as she wanted to get her married to a older person and she was not ready and she had gone on her own. The counsel refers to photographs (Annexure P-3) to show that the girl was forcibly taken in the house. The counsel also refers to Annexure P-2, the statement which was effected before the Panchayat.

The State counsel states that out of 12 witnesses, the prosecution has already examined 11 witnesses and the girl had refused to get her medical done.

The petitioner had been accused of kidnapping a minor. The statement of the prosecutrix has been recorded. She has given a different statement in the cross-examination. The defence will have to prove the documents filed along with their petition.

The trial will take long time to conclude. Without commenting upon the merits of the case, the petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bonds to the satisfaction of trial Court/Duty Magistrate.

05.05.2016
sunil

(ANITA CHAUDHRY)
JUDGE