

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

**Criminal Misc. No. M-2809 of 2016
Date of decision: 14.03.2016**

Jasbir Singh @ Sona

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see judgment? Yes/No**
- 2. To be referred to reporters or not? Yes/No**
- 3. Whether the judgment should be reported in the Digest? Yes/No**

Present: Mr. Deepak Aggarwal, Advocate for
Mr. Veneet Sharma, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent – State.

Daya Chaudhary, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. on behalf of petitioner-Jasbir Singh @ Sona for grant of regular bail in FIR No.35 dated 05.02.2015 registered under Sections 363, 366-A of Indian Penal Code and Section 11 of the Protection of Children from Sexual Offences Act, 2012 at Police Station Patti, District Tarn Taran.

Learned counsel for the petitioner submits that the daughter of the complainant solemnized marriage with the petitioner and subsequently, her statement under Section 164 Cr.P.C. was recorded wherein she refused to accompany her parents. Presently

also, she is residing with the family members of the petitioner. Learned counsel further submits that even in the statement recorded before the Court during trial, she has stated that no bad act was committed upon her and she was never kidnapped. The victim has also stated in her statement that her statement was not recorded by the Police on 12.06.2015. In cross-examination she has stated that she has performed marriage with accused-Jasbir Singh after attaining the age of 18 years and she is residing in her matrimonial home. Similarly, PW2-Harjinder Singh, who is grand-father of the victim, has specifically stated in his statement that his grand-daughter was never kidnapped by the accused and has not supported the case of the prosecution. Similarly, PW3-Bhupinder Singh, who is father of the victim has not identified the accused person and has also not supported the case of the prosecution. Even PW4-Kawaljit Kaur, who is mother of the victim, has also not supported the case of the prosecution. The petitioner is in custody since 11.06.2015.

Learned State counsel has not disputed the submissions made by learned counsel for the petitioner with regard to the statements of the prosecution witnesses as well as the fact that the petitioner is in custody since 11.06.2015.

Heard arguments of learned counsel for the parties and have also perused the allegations levelled in the FIR and the statements of the prosecution witnesses recorded so far.

Keeping in view the submissions made by learned counsel

for the petitioner and the fact that the victim as well as other prosecution witnesses including her grandfather and parents have not supported the case of the prosecution; the victim is still residing in her matrimonial home and the petitioner is in custody since 11.06.2015, the present petition is allowed and the petitioner (Jasbir Singh @ Sona) is directed to be released on regular bail subject to furnishing bail/surety bonds to the satisfaction of the trial Court.

14.03.2016
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(DAYA CHAUDHARY)
JUDGE