

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

**CRM No.M- 37018 of 2016
Date of decision : 06.12.2016**

Pardeep Kumar

... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr.Jagjit Gill, Advocate
for the petitioner.

Mr. Deep Singh, AAG, Punjab.

ANITA CHAUDHRY , J(ORAL)

This is a petition filed by the petitioner seeking regular bail in FIR No. 88 dated 25.09.2015 registered at Police Station Arniwala, Distt. Fazilka under Sections 363-366-A of IPC to which Sections 372, 376 IPC and Sections 4, 8 POCSO Act are added later on).

The petitioner is in custody since 14.05.2016. The challan has been presented but the trial has not commenced. The FIR was lodged by the father as his daughter was being harassed by Angrej Singh @ Geji . He had mentioned that he had sent his daughter to the house of his second daughter Veerpal Kaur on 10.09.2015. It is also mentioned that his son-in-law and daughter were not at home and the victim was taken by Angrej Singh as she was missing. The report was lodged five days after the incident. The girl was recovered on 01.12.2015 from the house of the brother of the victim. The first statement given to the police is Annexure P-3 wherein she had stated that her family started doubting her of having illicit relation with Angrej Singh and they started beating her. The parents sent her to her sister's house, afraid of the beatings, she had gone to the

house of her brother, a resident of Fazilka. In the statement later given before the Magistrate, she made allegations of rape against the brother-in-law and also accused the sister of siding with the husband. Allegations were leveled that she wanted to sell her. The prosecutrix had made different statements at different point of time. The correctness of her claim will have to be tested. No DNA test was carried out. The medical examination came after two and a half months. The police did not record the statement of the brother.

Considering the above, without commenting anything on the merits of the case and considering the fact that the trial will take time to conclude, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bonds to the satisfaction of the trial Court/Duty Magistrate.

December 06, 2016
M.Negi

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No