

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

CRM-M No. 44663 of 2016(O&M)

Date of decision: 17.1.2017

Harsimran Singh

....Petitioner

VERSUS

State of Punjab

.....Respondent

CORAM: **HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr. Davinder Bir Singh, Advocate for the petitioner.

Mr. Mikhail Kad, DAG, Punjab assisted by
ASI Avtar Singh.

REKHA MITTAL, J.(Oral)

The petitioner prays for grant of regular bail in FIR No.75 dated 15.05.2013 registered with Police Station Payal, District Ludhiana for offence punishable under Sections 363, 366-A whereas offence under Sections 376 and 120-B of the Indian Penal Code, 1860 (in short 'IPC') were added later.

Counsel for the petitioner has submitted that the FIR was lodged at the instance of Rajinder Singh, father of the alleged kidnapped girl, on the premise that his daughter was enticed away by some unknown persons. The alleged victim was produced before the Judicial Magistrate and recorded her statement under Section 164 of the Code of Criminal Procedure, 1973 (in short 'Cr.P.C.') wherein she has completely exonerated the petitioner for any of the offences charged against him. It is further argued that as per statement of the prosecutrix, she was 17½ years old at the time of occurrence and she voluntarily accompanied the accused as her parents wanted to perform her marriage with somebody else. The

prosecutrix has not been arrayed as one of the witnesses of the prosecution. The last submission made by counsel is that conclusion of trial is likely to take some time and the petitioner may be enlarged on bail as he is in custody since 31.05.2013.

Counsel for the State, on instructions from ASI Avtar Singh, has not disputed factual assertions with regard to statement of the alleged victim recorded under Section 164 Cr.P.C. It has also been conceded that the alleged prosecutrix has not been cited as one of the witness of the prosecution. It is further submitted that out of 16 witnesses, 6 witnesses have already been examined.

I have heard counsel for the parties, perused the paper-book and the police file.

The petitioner is in custody for the past about 4 years. The prosecutrix has not leveled any allegation against him either with regard to kidnapping or sexual assault. As conclusion of trial is likely to take its own time, without commenting upon merits of the case, the petitioner shall be released on bail subject to furnishing bail bonds to the satisfaction of the trial Court. However, he shall abide by the following conditions:-

- (i) he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with facts of the case so as to dissuade him/her from disclosing such facts to the Court;
- (ii) he shall not leave India without previous permission of the Court.

JANUARY 17, 2017

‘D. Gulati’

(REKHA MITTAL)

JUDGE

Whether speaking/reasoned :

yes/no

Whether reportable :

yes/no