

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

CRM-M-37050-2018

Date of Decision: 04.09.2018

Balwant Rai

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Jaswinder Singh Grewal, Advocate
for the petitioner(s).

Mr. Jagmohan Ghuman, D.A.G., Punjab.

ANITA CHAUDHRY, J

Petitioner is seeking regular bail in FIR No.127 dated 18.12.2018, registered under Sections 364, 120-B IPC and Sections 3 & 4 of POCSO Act, 2012 (Challan presented under Sections 363, 366-A & 120-B IPC & Sections 3 & 4 of POCSO Act) at Police Station Bahawala, Tehsil Abohar, District Fazilka.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and challan has been presented and petitioner is the distant relative of the boy and as per the prosecution the petitioner was named by Mukesh.

The State counsel informs that from the day of incident, it was the petitioner who was driving the jeep, when the girl was kidnapped.

Perusal of the FIR reveals that Monu and 2 other boys had come in the jeep and had forcefully taken the daughter of the complainant away. Petitioner is distantly related to Mukesh and he is 55 years old.

The petitioner was not named in the FIR. It is only the statement made by the co-accused that the petitioner was arrested.

The petitioner is in custody since 18.12.2017

The trial would take time. Without commenting anything on the merits of the case, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing surety and adequate bail bonds to the satisfaction of the trial Court/Duty Magistrate.

September 04, 2018

ps-I

**(ANITA CHAUDHRY)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No