

**In the High Court of Punjab and Haryana at Chandigarh**

**Crl. Misc. No. M-37267 of 2018 (O&M)**  
**Date of Decision: 03.12.2018**

Arun Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY**

Present: Mr. Atul Goyal, Advocate  
for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab.

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**ANITA CHAUDHRY, J**

**CRM-42487-2018**

Application is allowed and Annexure P-7 (Colly) is taken on record.

**CRM-M-37267-2018**

The petitioner is seeking regular bail in FIR No. 250 dated 13.10.2017 registered at Police Station Model Town, District Police Commissionerate, Ludhiana under Sections 376 IPC and Section 4 of POCSO Act.

Counsel for the petitioner contends that petitioner is in custody since 13.10.2017 and all the material witnesses have been examined. Counsel further submits that earlier they had stated that the victim was not appearing and she has been avoiding the witness box and they were asked to

place on record the zimni orders and those were placed on record which would show that though the witnesses were bound down but they failed to appear and bailable warrants were issued. Counsel further contends that the same complainant had got another FIR lodged with similar allegations and thereafter both the father and the victim did not support their own case and the accused was acquitted. Copy of the zimni orders is available on record. Counsel also submits that in the statement recorded under Section 164 Cr.P.C., the girl had supported the petitioner.

The material witnesses have been examined. The girl was recovered two days after she went missing. A case was earlier registered on same set of allegations where the same complainant and the same victim failed to support the prosecution version.

Counsel for the petitioner submits that the parents of the petitioner namely Hem Raj son of Sham Lal and Shelly wife of Hem Raj are present and since the petitioner stays in the same colony as that of the victim, they give an undertaking that the petitioner will not stay in that colony till the trial is over.

Only three witnesses out of 22 have been examined. The petitioner is in custody for over a year. The victim and the complainant had delayed the trial as they failed to appear. The statement of the victim has now been recorded.

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 bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate. The

petitioner will give an undertaking that he will not stay in the house which is situated in the same colony as that of the victim and would comply with it.

(ANITA CHAUDHRY)  
JUDGE

December 03, 2018  
Gurpreet

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|---------------------------|---|-----|
| Whether speaking/reasoned | : | Yes |
| Whether reportable        | : | No  |