

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-17000-2019 (O&M)
Date of Decision:- 22.10.2019

Lakhwinder Singh @ Lucky

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sanjiv Kumar Yadav, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana,
assisted by ASI Ajit Pal.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Lakhwinder Singh @ Lucky, seeks grant of regular bail in a case registered vide FIR No.245, dated 17.10.2018, registered at Police Station Sadar, Ambala, under Sections 363, 366 IPC and under Section 4 of POCSO Act.
2. The FIR was lodged at the instance of Jaimal, uncle of the victim wherein it has been alleged that on 16.10.2018 after he had gone to sleep, his wife Sito Devi told him that Lucky had enticed away complainant's niece while holding out a promise of marrying her.

Although, the complainant and others searched for his niece, but she could not be traced.

3. Learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and in fact the complainant's niece had voluntarily left her house and that in her statement made before the police and also in her statement recorded in terms of Section 164 Cr.P.C. she has not levelled any such allegation against the petitioner which could inculcate him in respect of any offence.
4. Opposing the petition, learned State counsel has submitted that since the petitioner is specifically named in the FIR, no case for grant of bail is made out. It has however, been informed that the petitioner is in custody since 29.10.2018 and as on date 6 out of cited 26 PWs have been examined.
5. I have considered the rival submissions addressed before this court. After the complainant's niece was recovered, her statement came to be recorded in terms of Section 164 Cr.P.C., a translated gist of which has been annexed with the petition as Annexure P-3. The relevant extract from the said statement reads as follows:

“.....

Answer: Stated that my father is hard drunkard and my parents used to beat me. They wanted to get marry me in UP with some elderly person and for that they had taken Rs.2,00,000/-. The said boy has also visited my home to see me. I have a friend Lakhwinder. I have told him the said fact. I have also told him that my parents used to beat me. I told Lakhwinder about my marriage and also told that I want to run away from the house. Thereafter on 16.10.2018 I went to Bus stand without telling anybody at

home. He left me there and went away. I went to Kurukshetra in a Bus and thereafter went to a temple, adjoining to that there was a big pond. I stayed in the company of disciples of the there, use to eat in the *Langar* and use to sleep there. Some persons there were having a evil eye on me and because of that I ran away from there. I came today only. I do not want to go home as if I will go home my parents will kill me. I left my home as per my own wish and I wish not having any pressure from anybody upon me, nothing wrong has happened with me. I do not want to go my home. I don't want to say anything."

6. Bearing in mind the aforesaid statement of the victim, recorded under Section 164 Cr.P.C. and also the fact that the petitioner has been behind bars since the last more than one year and till date only 6 out of cited 26 PWs have been examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Lakhwinder Singh @ Lucky is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

October 22, 2019

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No