

CRM-M-23403-2019

Date of Decision : 27.05.2019

Panna Verma

.....Petitioner

versus

State of Punjab

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH**Present:** Ms. Shivya Sehgal, Advocate
for the petitioner.Mr. A.S. Sandhu, Addl.A.G., Punjab
for the respondent-State.**FATEH DEEP SINGH, J. (ORAL)**

This order shall dispose off first regular bail application under Section 439 Cr.P.C in a case bearing FIR No.217 dated 27.09.2018 filed under Sections 363/366-A/376/120-B of the Indian Penal Code read with Sections 3 & 4 of the POCSO Act, 2012 registered at Police Station Dugri, District Ludhiana.

The allegations against the accused/petitioner-Panna Verma have come about by complainant-Mahinder, father of the girl, aged around 15 years. As per the allegations, the victim was residing in the house of one, Baljit Singh and thereafter, on 13.01.2019, the complainant received a

telephonic call from above said, Baljit Singh, intimating that the victim has disappeared and was not traceable, leading to the registration of the present case. It subsequently transpired that co-accused/non-applicant-Om Parkash had enticed and taken away the minor girl and the girl returned back on 17.01.2019. The petitioner-Panna Verma was arrested on 30.01.2019.

The allegations against petitioner-Panna Verma are that the girl was kept in the tenanted premises under occupation of the petitioner.

Learned counsel for the petitioner *inter alia* contends that the petitioner is behind the bars and there is no specific allegations against him in the commission of the offences and no evidence has come about for his implication.

On behalf of the State, the learned State counsel, on instructions from ASI Rajinder Singh, Police Station Dugri, District Ludhiana, though accepts the facts as has been argued by learned counsel for the petitioner but has sought to oppose the grant of bail on the grounds of seriousness of the allegations.

Going through the submissions and to the query of the Court, the learned State counsel was clearly at loss of words as to the role of the petitioner in the commission of the offence. Even his name does not figures in the FIR much less his identity has been established by any means including holding of test identification parade. Thus, a debatable issue arises over the role of the petitioner who is in custody, which can only be adjudicated at the time of trial, this Court is of the opinion that it would serve no useful purpose to further detain the petitioner in custody.

Accordingly, he is ordered to be released on regular bail to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate/Illaqa Magistrate of the Court concerned.

The petition stands disposed off accordingly.

27.05.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No