

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

CRM-M-27313-2019 (O&M)
Date of Decision:-26.8.2019

Mangal Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amaninder Singh Sekhon, Advocate for the petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.8 dated 19.1.2018 registered at Police Station Sadar Kotkapura, District Faridkot under Sections 363 and 366-A of Indian Penal Code, 1860 and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012, wherein offence under Section 376 IPC was added later on.
2. The FIR was lodged at the instance of Mamta Rani, wherein she has stated that she was earlier married to one Naresh Kumar and a daughter namely Mansi Rani was also born out of the said wedlock. Subsequently, her marriage was dissolved and she was remarried to Kanwarjit Singh in the year 2012. It is alleged that on 11.1.2018 her daughter Mansi Rani left her house at 4:00 AM and they reported the matter to the police on 12.1.2018

regarding 'missing of her daughter'. The complainant suspected that Mangal Singh had enticed away his daughter on the pretext of marriage.

3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact after the alleged victim was recovered, her statement was recorded under Section 164 Cr.P.C., wherein she admitted the factum of her friendship with the petitioner and that Mangal Singh had represented that he wanted to marry her and it was on his asking that she left her parental home and accompanied him. It is further borne out from the statement recorded under Section 164 Cr.P.C. that she went initially to Kotkapura and from thereon to Muktsar and then to Dabwali and then to Village Sakta Khera and then to Gidderbaha. The learned counsel has submitted that apparently it is a case where the victim has accompanied the petitioner voluntarily and that, in any case, there is no allegation in the said statement regarding commission of any rape upon the victim.
4. Opposing the petition, the learned State counsel has submitted that the victim has been examined in the Court, wherein she has levelled allegation that the petitioner established physical relations with her and that, in any case, since the victim was aged less than 18 years, it is apparent that the petitioner had enticed away the victim taking advantage of her tender age.
5. I have considered rival submissions addressed before this Court.
6. Bearing in mind the facts and circumstances and while noticing that in the statement of victim recorded under Section 164 Cr.P.C., there is no allegation pertaining to the alleged rape and while also bearing in mind that the petitioner has been in custody since 30.1.2018 and the victim has already

been examined, further detention of the petitioner would not serve any useful purpose. The petition, as such, is accepted and the petitioner Mangal Singh is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

7. The petition stands accepted accordingly.

26.8.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No