

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

CRM-M-27444-2019

Date of decision: 2.9.2019

JASWINDER SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. P.K.S. Phoolka, Advocate
for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.59 dated 26.5.2018 under Sections 363, 366-A, 376 of Indian Penal Code & Section 4 of POCSO Act, Police Station Sadar, Bathinda.
2. The FIR was registered at the instance of Jaspal Singh father of the victim wherein it has been alleged that his daughter went missing and later he came to know that his daughter has been enticed by petitioner-Jaswinder Singh on the pretext of marrying her.
3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case. It has further been submitted that the prosecutrix has been examined during the course of trial wherein she has

given an absolute clean chit to the petitioner by categorically stating that she had neither been kidnapped by the petitioner nor has been raped.

4. Opposing the petition, learned State counsel has submitted that it is a case where the prosecutrix is a minor who had apparently being enticed away by the petitioner and in these circumstances, no case for grant of bail is made out.
5. I have considered rival contentions addressed before this Court. Since the prosecutrix has stated in an unambiguous terms that the petitioner had not kidnapped her nor had committed rape upon her, this Court does not find any ground for further detention of the petitioner as conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

(GURVINDER SINGH GILL)
JUDGE

2.9.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**