

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

CRM-M-30743-2019 (O&M)

Date of Decision:-17.9.2019

Sajan @ Jaswinder Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Jagdish Singh Mahal, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,
assisted by SI Mukhdev Singh.

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.19 dated 10.5.2018 at Police Station Kotli Surat Mallian, Police District Batala, District Gurdaspur under Sections 363, 366-A, 376 and 120-B of Indian Penal Code and Sections 3 and 4 of Protection of Children from Sexual Offences Act, 2012.
2. The FIR was registered at the instance of Balkar Singh, wherein it has been alleged that on 7.5.2018 his daughter (procutrix) had gone out for purchasing grocery but did not return back. Later he came to know that his daughter had been taken away by Sajan @ Jaswinder Singh (petitioner) on the pretext of marrying her alongwith his mother Mandeep Kaur, sister Rekha and sister's husband Sonu.
3. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that infact the prosecutrix had

accompanied the petitioner out of her own free will and volition as would be evident from her statement recorded under provisions of Section 164 Cr.P.C., annexed with this petition as Annexure P-2. The learned counsel has further submitted that subsequently the complainant and his family pressurized the prosecutrix to depose against the petitioner due to which a false version of the occurrence has been put forth in the statement recorded during the proceedings of trial.

4. Opposing the petition, the learned State counsel has submitted that since the prosecutrix during the course of trial has stated in unambiguous terms that the petitioner had enticed away the prosecutrix and had established physical relations with her against her wishes, no case for grant of bail is made out. It has, however, been informed that the petitioner has been in custody since the last more than 1 year and 4 months and that the statement of the prosecutrix has already been recorded.
5. I have considered rival submissions addressed before this Court. While noticing that conflicting statements had been made by the prosecutrix at different points of time and in any case her statement has already been recorded during the proceedings of trial, no useful purpose would be served by detaining the petitioner behind bars any longer. The petition, as such, is accepted and the petitioner 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.

17.9.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No