

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

CRM-M-32695-2019 (O&M)
Date of Decision:- 17.10.2019

Mohd. Sajad ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anterpreet Singh, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Bhajan Singh.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Mohd. Sajad, seeks grant of regular bail in a case registered vide FIR No.121, dated 9.7.2016, registered at Police Station Division No.4, Ludhiana, under Sections 363, 366-A IPC (Section 376 IPC and Sections 8 and 10 of POCSO Act added later on).
2. The FIR was registered at the instance of Mohammad Nasruddin, who has alleged that he was married to Gulnaaz Khtun about 10 years back and subsequently upon death of his father-in-law, his sister-in-law Noor Saba, aged 14 years started residing with them who was studying in Class VIII. It is alleged that his sister-in-law Noor Saba went missing on 4.7.2016 and could not be traced. Subsequently on

9.7.2016, they found that the petitioner had enticed away Noor Saba on the pretext of marrying her.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact Noor Saba had voluntarily left her house and had solemnized *Nikah* with the petitioner.
4. Opposing the petition, learned State counsel has submitted that during the course of investigation, no such evidence has been collected regarding the alleged *Nikah* of the petitioner with the sister-in-law of the complainant. It has however, been informed that till date 4 out of the cited 17 PWs have been examined.
5. Having regard to the facts and circumstances of the case and while bearing in mind that the petitioner has been behind bars since the last more than 3 years and till date only 4 out of the cited 17 PWs have been examined, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Mohd. Sajad 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 17, 2019
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(GURVINDER SINGH GILL)
JUDGE

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