

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

CRM-M-33549-2019 (O&M)
Date of decision:19.9.2019

NATHU SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Premjit Singh Hundal, Advocate
for the petitioner.

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

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.59 dated 8.6.2019 under Sections 363, 376 of Indian Penal Code & Section 6 of POCSO at Police Station Sadar, Raikot, District Ludhiana.
2. The FIR was lodged at the instance of Kuldip Kaur wherein it has been alleged that her daughter i.e. victim went missing from her home on 30.5.2019 and although they made efforts for tracing but she could not be found. She alleged that it is suspected that Nathu Singh and Jasbir Singh @ Gora had enticed away her daughter.
3. Learned counsel for the petitioner has submitted that he has falsely been

implicated in the present case merely on the basis of suspicion and that subsequently when prosecutrix was recovered and her statement in terms of Section 164 Cr.P.C. was recorded she categorically stated that the accused had never abducted her or had physically assaulted her in any manner. It has further been submitted that thereafter upon presentation of challan, statement of the prosecutrix and also of complainant has been recorded during proceedings of the trial wherein also none of them has supported the case of prosecution.

4. Learned State counsel has however opposed the petition while submitting that since the petitioner is specifically named in the FIR, no case for grant of bail is made out.
5. Having considered rival contentions addressed before this Court and while bearing in mind that prosecutrix and complainant have not supported the case of prosecution during the proceedings of trial, further detention of the petitioner will not serve any purpose. 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.

(GURVINDER SINGH GILL)
JUDGE

19.9.2019
Gaurav Sorot

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

Whether reportable? **Yes / No**