

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

CRM-M No.35247 of 2019

Date of decision: 3rd September, 2019

Balbir Singh @ Ladhi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Amarjit S. Sandhu, Advocate for the petitioner.

Ms. Sakshi Bakshi, Asstt. Advocate General, Punjab
for the respondent/State.

FATEH DEEP SINGH, J.

Petitioner Balbir Singh alias Ladhi has sought regular bail under Section 439 Cr.P.C. in case bearing FIR No.02 dated 08.01.2019 under Sections 363/366-A IPC and Section 7 of the Protection of Children from Sexual Offences Act, 2012 pertaining to Police Station Passiana, District Patiala. The allegations against the petitioner have come about on the statement of complainant Nirbhai Singh, father of a minor girl aged around 17 years, 11 months and 18 days, alleging that on 03.01.2019 after having dinner the family had gone to sleep and when they woke up in the morning on 04.01.2019 around 5:00 a.m. they discovered that their daughter was missing and subsequently it transpired that she has been enticed and taken away by the petitioner leading to registration of the present case.

Learned counsel for the petitioner Mr. Amarjit Singh Sandhu, Advocate inter alia contends that the girl in her statement under Section 164 Cr.P.C. had refused to accompany her parents and is presently lodged in Nari Niketan, contending further that the girl is only 13 days short of obtaining majority and was in a relationship with the accused petitioner with whom she had left her parental house and has sought to challenge the very applicability of sections 363, 366A IPC and Section 7 of the Protection of Children from Sexual Offences Act, 2012.

Learned State counsel Ms. Sakshi Bakshi, Asstt. Advocate General, Punjab on instructions from ASI Gurdeep Singh, Police Station Passiana, District Patiala, has sought to stoutly oppose the grant of bail arguing that the petitioner is a grown up person and had enticed and instigated a minor girl and taken her away from the lawful guardianship of her parents and therefore, in view of the heinousness of the offence and seriousness of allegations disentitles the petitioner to any relief.

Going through the submissions of the two sides, the admitted stand of the girl in her statement under Section 164 Cr.P.C. made on 11.01.2019 before learned Judicial Magistrate is reflective of the fact that she was estranged with her parents and had exonerated the accused from any role in her fleeing from her home and has rather attributed physical assault to her family/father. The petitioner is behind bars since a long time. Culpability, if any, shall be determined at the trial which is not likely to conclude in the near future. In view thereof, this Court is of the

opinion that no useful purpose will be served by keeping the petitioner in custody in the present case. Accordingly, he is ordered to be released on regular bail to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Patiala. However, it is made clear that anything observed herein shall not be construed as an expression on the merits of the case.

The petition stands disposed off accordingly.

(FATEH DEEP SINGH)
JUDGE

September 3, 2019
rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No