

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

**CRM-M-38869-2019 (O&M)
Date of Decision: December 16, 2019**

Chaman Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Narinder S.Lucky, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

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HARINDER SINGH SIDHU, J.

The petitioner has filed this petition under Section 439 Cr.P.C. for grant of bail in case FIR No.101 dated 24.05.2017 under Sections 364, 377, 342, 506, 34 (later on offence under Section 364 was deleted and Sections 365, 201 IPC and Sections 3 and 4 of POCSO Act 2012 added), registered at Police Station Meharban, District Ludhiana.

The FIR was registered on the statement of victim (aged about 14 years), stating that he was residing with his mother Jasvir Kaur as his father was living separate. On 18.03.2017, a dispute had taken place between his brother Labh Singh and Chaman Singh (petitioner), who is residing in front of the house of the complainant. Chaman Singh (petitioner) had abused and threatened the complainant that he would not allow him his mother to live there. On 18.03.2017 in the evening, the complainant and his mother filed a complaint against Chaman Singh (petitioner) before Police Station Meharban. On the next day, Chaman Singh (petitioner) also filed a

complaint against them. Both parties were called to the Police Station and proceedings under Sections 107 and 151 Cr.P.C. were initiated against the complainant and his mother. But no action was taken against the Chaman Singh (petitioner). The mother of the complainant visited the Police Station number of times but without any result. On 29.03.2017, at about 7.30 p.m., complainant had gone to bring milk from the shop near Masjid and on the way Chaman Singh (petitioner), Sucha Singh and two-three other unknown persons came in a white colour car and pushed him in the car and took him away. Chaman Singh (petitioner) covered the face of the complainant with handkerchief, Sucha Singh caught his the legs. He was given cold drink because of which he felt a sleep. He was taken to an unknown place. In the room Chaman Singh (petitioner) and Sucha Singh inserted their private organs in his mouth. On 15.05.2017 at night, four persons took him in white car and threw him near Mohini Resort, Chandigarh Road. Someone dropped to him in his house. He was taken to the Civil Hospital. He had come to know that his mother had moved an application with regard to his kidnapping at Police Station Meharban against Chaman Singh (petitioner) and others. He requested that legal action be taken against the accused.

Learned counsel for the petitioner argues that the allegations levelled against the petitioner are totally false and motivated. Number of complaints have been filed against the mother of the complainant from to time by the residents of the locality for harassing and threatening them. One such complaint dated 22.01.2013 was filed by all the locality members before the SHO Police Station Meharban.

Learned counsel for the petitioner further argued that the petitioner

the illegal detention from 29.03.2017 to 15.05.2017, i.e., about one and a half month without anybody getting wind of it. Moreover no missing person report had been lodged by the mother of the complainant.

Learned counsel for the petitioner also argues that as per the medical report of the complainant, no external injury was seen. There was also no injury on oral Mucosa, Palate and Pharynx. The Board of Doctor has opined that it was not possible to comment about occurrence of oral sex.

Learned counsel for the petitioner states that the petitioner is in custody since 25.04.2019. The investigation in this case is complete. The challan has been filed and charges have been framed. This fact has not been disputed by learned counsel for the State.

The trial of the case may take a long time. The petitioner is behind bars for the last about eight months. No useful purpose will be served by detaining him till the conclusion of the trial.

In view of above, without commenting anything on the merits of case, this petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

December 16, 2019
Pardeep

(HARINDER SINGH SIDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No