

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

CRM-M-44380-2019 (O&M)
Date of Decision:- 23.10.2019

Ravi Kumar @ Ravi

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Rupinder K. Thind, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Ravi Kumar @ Ravi, seeks grant of regular bail in a case registered vide FIR No.214, dated 12.5.2018, registered at Police Station Civil Lines, Amritsar, under Sections 363, 366-A, 376, 120-B IPC and under Section 4 of the POCSO Act.
2. The FIR was lodged at the instance of Raj Kumar, father of the victim wherein he alleged that on 9.5.2018, when he returned from market,

he found that his daughter was missing and although they tried to look for her but she could not be found. The complainant alleged that he suspected that his daughter had been kidnapped by Ravi Kumar (petitioner). It is further the case of prosecution that subsequently upon recovery of the prosecutrix her statement was recorded in terms of Section 164 Cr.P.C. wherein she has stated that she had been abducted by the petitioner and who had committed rape.

3. Learned counsel for the petitioner has submitted that in fact when the prosecutrix was examined during the proceedings of trial, she has resiled from her earlier statement and has not supported the case of prosecution at all. The learned counsel in this regard has referred to the statement of the prosecutrix annexed as Annexure P-2.
4. Opposing the petition, learned State counsel has submitted that since the prosecutrix, apart from the FIR, has supported the case of prosecution when her statement under Section 164 Cr.P.C. was recorded, it is apparent that she had now been won over and due to which she has not stated the truth in the witness box and that in these circumstances, no case for grant of bail is made out.
5. I have considered rival submissions addressed before this Court. Bearing in mind the fact that the petitioner has been behind bars since the last about one year and also that the prosecutrix has not supported the case of prosecution, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Ravi Kumar @ Ravi is ordered to 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 23, 2019
mohan

(GURVINDER SINGH GILL)
JUDGE

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