

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

CRM-M-44670-2019 (O&M)
Date of Decision:- 24.10.2019

Nawab Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Ms. Manju Goyal, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Nawab Singh, seeks grant of regular bail in a case registered vide FIR No.47, dated 7.6.2019, registered at Police Station S.G.N. Dev Thermal Plant, Bathinda, under Sections 363, 366-A IPC.
2. Mr. Vinay Kumar Pandey, Advocate has appeared on behalf of the complainant and filed power of attorney. The same is taken on record.

3. The FIR was lodged at the instance of Satish Kumar wherein it has been alleged that on 7.6.2019 at about 10:00 am he found that his daughter was not in her bed and although he and other member of his family searched for her daughter but could not be traced. It is alleged that subsequently he came to know that Nawab Singh (petitioner) was also missing from his house and that he had enticed away his daughter and taken her away as earlier also he used to follow his daughter.
4. Learned counsel for the petitioner has submitted that the FIR came to be recorded due to some misunderstanding and that when the statement of the prosecutrix was recorded under Section 164 Cr.P.C., she has not supported the case of prosecution at all and has categorically stated that she left her home out of her own accord and that she had insisted upon leaving the house and to get married although the petitioner had told her to wait for six months.
5. Opposing the petition, learned State counsel has submitted that since the complainant's daughter was marginally less than 18 years and the petitioner is specifically named in the FIR, no case for grant of bail is made out. It has however been stated that in the statement of the complainant's daughter recorded under Section 164 Cr.P.C., she has not fully supported the case of the prosecution.
6. Having regard to the facts and circumstances of the case and also while noticing that in the statement of the prosecutrix recorded under Section 164 Cr.P.C. she has virtually given a clean-chit to the petitioner and also that the petitioner has been behind bars since the

last more than 4 months, further detention of the petitioner will not serve any useful purpose as the trial is likely to take some time for its conclusion. The petition, as such, is accepted and petitioner-Nawab Singh 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.

7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

October 24, 2019

gaurav/mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No