

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

CRM-M-44370-2019 (O&M)
Date of Decision:- 23.10.2019

Joban Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Digvijay Nagpal, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Joban Singh, seeks grant of regular bail in a case registered vide FIR No.75, dated 23.6.2019, registered at Police Station Kabarwala, Tehsil Malout, District Shri Muktsar Sahib, under Sections 363, 366-A, 120-B IPC and under Sections 3 and 4 of POCSO Act.

2. The FIR was lodged at the instance of Amarjeet Kaur, grand-mother of the victim wherein it has been alleged that on 22.6.2019 she went to fields in the morning to get fodder for cattle and when she returned back around 10-11 am, her grand-daughter was missing from home and although she along with other members of her family tried to search for her but she could not be found. It is alleged that she suspected that Khushpal Singh had enticed away her daughter and abducted her in connivance with Joban Singh (petitioner).
3. Learned counsel for the petitioner has submitted that even as per the FIR, it is the co-accused who is stated to have abducted the complainant's grand-daughter and that the petitioner has been falsely implicated in the FIR.
4. Opposing the petition, learned State counsel has submitted that pursuant to recovery of the victim, her statement under Section 164 Cr.P.C. was recorded wherein she has categorically stated that she had been abducted by the petitioner as well as by the other co-accused. It has however been informed that charges have already been framed but none out of the cited 13 PWs has been examined so far.
5. Having regard to the facts and circumstances of the case and while refraining from making any expression as regards merits of the case and while noticing that the petitioner has been behind bars since the last about 4 months and till date not even a single witness out of the cited 13 PWs has been examined, 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-Joban 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.

October 23, 2019

mohan

**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No