

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

CRM-M-44428-2019 (O&M)  
Date of Decision:-29.10.2019

Paramjit Singh @ Sukhchain Singh @ Pamma ... Petitioner

Versus

State of Punjab ... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Rishu Mahajan, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab,  
assisted by ASI Tarsem Singh.

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**GURVINDER SINGH GILL, J.**(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.148 dated 31.8.2019 at Police Station Gharinda, Amritsar under Sections 363, 366 and 376 of Indian Penal Code and Section 6 of POCSO Act, 2012.
2. The FIR was lodged at the instance of Paramjit Kaur, wherein it has been alleged that her daughter aged about 16 years had been abducted by the petitioner, who had taken her to Amritsar and committed rape upon the complainant's daughter.
3. The learned counsel for the petitioner has submitted that the FIR came to be lodged under some misunderstanding and that subsequently upon recovery of

complainant's daughter, her statement had been recorded in terms of Section 164 Cr.P.C., wherein she has given a clean-chit to the petitioner.

4. The aforesaid position is not disputed by the learned State counsel, who has got instructions in this regard from ASI Tarsem Singh, who is present in Court.
5. Having regard to the facts and circumstances especially that the prosecutrix in her statement recorded under Section 164 Cr.P.C. has not supported the case of prosecution, custodial interrogation is not warranted. The petition, as such, is accepted and in the event of arrest, the petitioner be released on bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

**29.10.2019**

pankaj

**( Gurvinder Singh Gill )  
Judge**

Whether speaking /reasoned                      Yes / No

Whether Reportable                                  Yes / No