

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

CRM-M-45798 of 2019.

Decided on:- December 10, 2019.

Taranpreet Singh.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Dinesh Maurya, Advocate
for the petitioner.

Mr. Saurav Khurana, D.A.G., Punjab.

HARI PAL VERMA, J. (Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.76 dated 16.05.2019 under Sections 363, 366-A and 376 IPC as well as Section 4 of the Protection of Children from Sexual Offences Act, 2012 registered at Police Station Sadar Nabha, District Patiala.

The aforesaid FIR was registered against the petitioner at the behest of Bhim Sain, who is father of the prosecutrix. As per the FIR, on 13.05.2019 his daughter, aged about 17½ years had gone to attend Dhaliwal computer classes at Patiala gate, Nabha. When she did not return home till evening, her search was made. They tried to locate her at their level i.e. at their relatives' places and religious places, but her whereabouts could not be found. Thereafter, the complainant came to know that the petitioner had allured his daughter on the pretext of marriage.

Learned counsel for the petitioner states that the petitioner is in custody since 19.06.2019. The prosecutrix is more than 17 ½ years of age. The petitioner and the prosecutrix had left their houses on 13.05.2019 so as to solemnise marriage, but the Granthi of the Gurdwara at Khanna had told them that the petitioner and the prosecutrix are below marriageable age. Thereafter, they stayed at Khanna in a rented accommodation for about one month.

He further states that the trial in the case is not likely to be concluded in near future as no prosecution witness has been examined in the case so far.

Learned State counsel, on instructions from ASI Jagtar Singh, states that the victim in the case is a minor about 17½ years of age. Her medical examination was conducted wherein spermatozoa were detected in the contents of exhibits III (two vaginal swabs), IV (one vaginal swab and slide), V (lateral vaginal swab and slide) and X (urethral swab). However, he submits that no witness has been examined in the case, though there are 17 witnesses cited by the prosecution.

I have heard learned counsel for the parties.

Considering the fact that the petitioner is in custody since 19.06.2019 and the age of the prosecutrix has been projected as 17½ years coupled with the fact that no prosecution witness has been examined in the case, this Court finds that the culpability of the petitioner is yet to be established during the trial and he deserves to be admitted on bail. Moreover, as against 17 witnesses cited by the prosecution, not even a single witness has been examined in the case.

Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing adequate bail and surety bonds to the satisfaction of learned trial Court.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case and the trial Court shall decide the case without being influenced with these observations in any manner.

December 10, 2019
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No