

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

CRM-M-45835-2019 (O&M)
Date of Decision:-31.10.2019

Sanju @ Vasakha Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ghulam Nabi Malik, Advocate for the petitioner.

Ms. Rashmi Attri, Assistant Advocate General, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.0041 dated 5.5.2019 at Police Station Ajitwal, District Moga under Sections 363 and 366-A of Indian Penal Code and Section 4 of POCSO Act, 2012.
2. The FIR was lodged at the instance of Simranjit Kaur, wherein it has been alleged that her minor daughter went missing from home on 4.5.2019 and that pursuant to inquiries made by them they strongly suspected that her daughter has been enticed away by Sanju @ Vasakha Singh (petitioner), his mother Charanjit Kaur and Amritpal Singh, who is step brother of the petitioner, on the pretext of solemnizing marriage.
3. The learned counsel for the petitioner has submitted that the FIR has been lodged solely on the basis of suspicion and that immediately after the next

day of lodging of the FIR, the prosecutrix was recovered and her statement was recorded in terms of Section 164 Cr.P.C., wherein she categorically stated that she had left her house on her own accord in order to marry the petitioner.

4. Opposing the petition, the learned State counsel has submitted that since the prosecutrix is a minor, no case for grant of bail is made out. It has further been informed that although charges have already been framed by the Trial Court, but no prosecution witness has been examined so far.
5. Having regard to the facts and circumstances of the case and bearing in mind the fact that the petitioner has been behind bars since the last more than 5 months and, till date, not even a single prosecution witness has been examined, further detention of the petitioner will not serve any useful purpose as the conclusion of trial will take some time. The petition, as such, is accepted and it is ordered that the petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

31.10.2019

pankaj

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No