

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

CRM-M-46430-2019

Date of decision:13.12.2019

GOPI @ GURPREET SINGH

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Sukhmeet Singh, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.37 dated 1.8.2018 under Sections 363, 366-A, 376 IPC & Sections 3 & 4 of POCSO Act, Police Station Kabirpur (Ahlikalan), District Kapurthala.
2. The FIR was lodged at the instance of Sucha Singh wherein he alleged that his daughter aged about 16 years went missing from home and although they made efforts to look for her but she could not be found. It is further the case of the prosecution that subsequently a supplementary statement of the complainant was recorded to the effect that his daughter has been kidnapped by the petitioner.

3. Learned counsel for the petitioner has submitted that it is a case where the complainant's daughter had voluntarily left her house and had solemnized marriage with the petitioner and they have also been blessed with a child. Learned counsel for the petitioner has further submitted that the matter as on date stands compromised and a petition for quashing of the FIR has also been filed wherein statement of the complainant had been recorded to the effect that he has no objection for quashing of the FIR.
4. Learned State counsel has informed that prosecutrix in her statement recorded under Section 164 Cr.P.C. did not support the case of prosecution.
5. In view of the aforestated position wherein the matter is stated to have been compromised and prosecutrix has not supported the case of prosecution when her statement under Section 164 Cr.P.C. was recorded, further detention of the petitioner will not serve any useful purpose as conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and it is ordered that petitioner be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

13.12.2019
Gaurav Sorot

Whether reasoned / speaking? **Yes / No**

Whether reportable? **Yes / No**