

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

CRM-M-47139-2019 (O&M)
Date of Decision:-8.11.2019

Gulal @ Gulab Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Ishan Gupta, Advocate for the petitioner.

Ms. Ruchika Sabherwal, 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.60 dated 5.4.2019 at Police Station Patran, District Patiala under Sections 363 and 366-A of Indian Penal Code and Section 8 of POCSO Act.
2. The FIR was lodged at the instance of Gurmel Singh, wherein it has been alleged that on 4.4.2019 after taking meals at night, the entire family had gone off to sleep and the complainant went to the fields for irrigating his fields and when he returned back, he found that his daughter was missing. Although he alongwith his wife and nephew tried to search for his daughter but she could not be traced. Upon inquiry, they came to know that Gulal @ Gulab Singh (petitioner) had enticed away his daughter on the pretext of marrying her or getting her married with someone else.

3. The learned counsel for the petitioner has submitted that a false FIR has been lodged against the petitioner and that it is a case where complainant's daughter had voluntarily left her house. The learned counsel in this regard has drawn the attention of this Court to the statement of the prosecutrix recorded in terms of Section 164 Cr.P.C. (Annexure P-3), wherein she has categorically stated that she went with the petitioner on her own accord.
4. Opposing the petition, the learned State counsel has submitted that since the victim i.e. complainant's daughter was a minor aged barely about 16 years, no case for grant of bail is made out. It has, however, been informed that the petitioner has been behind bars since the last about 7 months and that charges have already been framed.
5. Having regard to the facts and circumstances of the case and while noticing that the petitioner has been behind bars since the last about 7 months and charges have already been framed, further detention of the petitioner will not serve any useful. The petition, as such, is accepted and it is ordered that the 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.

8.11.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No