222.

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-47805-2019
Date of decision: 26.11.2019

BALDEV SINGH ... Petitioner

versus

STATE OF PUNJAB .... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. G.S. Jagpal, Advocate,for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

HARI PAL VERMA, J.*(Oral)*

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.56 dated 30.03.2019 registered under Sections 365, 366-A, 376, 120-B of IPC and under Sections 3 and 4 of POCSO Act, 2012 at Police Station City South, District Moga.

As per the complainant, who is mother of the victim, Binder Kaur and Gurmeet Kaur have taken her daughter from Moga on the pretext of performing a program in the marriage with the assurance that they will drop her back in 2-3 days, but when she has not returned back after three days, the complainant contacted the victim, upon which, there was no satisfactory reply from Binder Kaur and Gurmeet Kaur. On enquiry, the complainant found that Binder Kaur and Gurmeet Kaur have sold her daughter to one Anish Kumar, resident of Haryana, for a sum of Rs.2 lakhs.

Counsel for the petitioner states that the petitioner is not involved in the case in any manner and does not find mention in the initial version of the FIR. He has argued that it is only in the supplementary statement made by the complainant, the name of the petitioner has cropped

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up. The petitioner is in custody since 09.04.2019. The other co-accused Binder Kaur and Gurmeet Kaur have already been admitted on bail by this court vide order dated 18.10.2019.

Learned State counsel, on instructions from ASI Parwinder Singh, states that the complainant has submitted supplementary statement naming the petitioner and as per said statement, the petitioner has sold the victim to Anish Kumar.

I have heard learned counsel for the parties.

Petitioner is in custody since 09.04.2019. The allegation against the petitioner is that though in the initial version, name of the petitioner does not figure in the FIR and it is on the basis of supplementary statement, he has been named in the FIR. Considering the fact that the allegations against the petitioner are similar to that of Binder Kaur and Gurmeet Kaur, who have already been admitted on bail by this Court vide order dated 18.10.2019, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of trial Court.

The observations made hereinabove shall not be construed as an expression on the merits of the case and the trial court shall decide the case on the basis of available material.

(HARI PAL VERMA)
JUDGE

26.11.2019
sanjeev Whether speaking/reasoned? Yes/No
Whether reportable? Yes/No

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