

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

CRM-M-48802-2019 (O&M)
Date of Decision:-22.11.2019

Inderjit Singh	Versus	... Petitioner
State of Punjab		... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Prateek Pandit, Advocate for the petitioner.
Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

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.66 dated 27.8.2019 at Police Station Begowal, District Kapurthala under Sections 363, 366-A and 376 of Indian Penal Code and Sections 4 and 8 of POCSO Act, wherein offences under Section 376 IPC and Sections 4 and 8 of POCSO Act were added later on.
2. The FIR was lodged at the instance of Kulwinder Kaur, wherein it has been alleged that her daughter aged about 16 years and 5 months did not return from school on 26.8.2019 and although they had been searching for her but she could not be found. It is further alleged that upon inquiries they came to know that complainant's daughter had been enticed away by Inderjit Singh @ Karan (petitioner) on the pretext of marriage.

3. The learned counsel for the petitioner has submitted that the complainant's daughter was infact aged 17 years and 2 months at the time she left her house and that she had left her house voluntarily and has solemnized marriage with the petitioner against wishes of her parents. It has further submitted that pursuant to solemnization of marriage, the complainant's daughter as well as the petitioner had approached this Court by way of filing CWP-26549 of 2019 seeking protection as they apprehended threat to their life, wherein directions were issued by this Court vide order dated 18.9.2019 (Annexure P-5). The learned counsel has further submitted that subsequently the statement of prosecutrix was also recorded in terms of Section 164 Cr.P.C., wherein she has not supported the case of the prosecution at all.
4. The aforestated position is not disputed by the learned State counsel.
5. The learned State counsel has informed that challan already stands presented.
6. Having regard to the aforestated facts and circumstances, it would certainly be debatable as to whether the petitioner had enticed away the complainant's daughter or as to whether she had voluntarily left her house. In any case, since challan already stands presented, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and it is ordered that the petitioner be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

22.11.2019

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No