

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

CRM-M-51192-2019 (O&M)
Date of Decision:- 6.12.2019

Sandeep Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Amritpal Singh Gill, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab,
assisted by ASI Pritpal Singh.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Sandeep Singh has approached this Court seeking grant of regular bail in a case registered vide FIR No.82, dated 17.5.2019, registered at Police Station Lambi, District Sri Muktsar Sahib, under Sections 363, 366-A, 120-B IPC (Section 376 IPC and Section 8 of POCSO Act added later on).

2. The FIR was lodged at the instance of Iqbal Singh wherein it has been alleged that his daughter whose Date of Birth is 6.5.2004 went missing from home on 17.5.2019 and upon making search, they came to know that she had been kidnapped by Sandeep Singh (petitioner). It is further alleged that he strongly suspected that his daughter had been enticed away by Sandeep Singh in connivance with Lakha Singh, Jass Singh, Manpreet Singh and Madan Singh.
3. Learned counsel for the petitioner has submitted that he has falsely been involved in the present case and that in fact when the victim was recovered, her statement was recorded in terms of Section 164 Cr.P.C., wherein she categorically stated that she knew the petitioner since the last about 2 years and that on 16.5.2019 she had left her house and accompanied Sandeep Singh to Amritsar and Haridwar out of her own free will and that Sandeep Singh had not committed any indecent act with her.
4. Opposing the petition, learned State counsel has submitted that since the victim was a minor and had been enticed away by the petitioner, no case for grant of bail is made out. It has however been informed that the petitioner is behind bars since the last about 6 months.
5. Having considered rival submissions addressed before this Court, it would be debatable as to whether the victim had been enticed away by the petitioner or as to whether she had voluntarily left her house as has been stated by her in her statement recorded under Section 164 Cr.P.C. In any case, since the petitioner has been behind bars since the last more than 6 months and conclusion of trial is likely to take

some time, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Sandeep Singh is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

December 6, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No