

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

CRM-M-1094-2020
Decided on :24.02.2020

Gurmeet Singh @ Geetu

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. J.S.Grewal, Advocate
for the petitioner.

Ms. Bhavna Gupta, DAG, Punjab.

Manjari Nehru Kaul, J.

Instant petition has been filed under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.60 dated 27.05.2019 registered under Sections 363, 366-A IPC (charges framed under Sections 363, 366-A, 376 IPC and Section 6 of POCSO Act) at Police Station Khuhian Sarwar, District Fazilka.

Learned counsel for the petitioner contends that the prosecutrix left her house of her accord and the petitioner had no role in kidnapping her. It has further been submitted that after the prosecutrix left her house on 25.05.2019, both the prosecutrix and the petitioner approached the Human Right Commission and got protection from there as well. It has also been submitted that the father of the prosecutrix i.e. complainant as well as mother of the prosecutrix did not support the case of the prosecution while appearing as PW-1 and PW-2 respectively and were declared hostile by the Court below.

On the other hand, learned State counsel while opposing the grant of regular bail to the petitioner has not been able to controvert the said fact of both the parents of the prosecutrix not supporting the case of the prosecution during their evidence before the trial Court. He, on instructions from HC Jagjit Singh submits that 17 out of 22 prosecution witnesses have been examined as on date. This Court has also been apprised that the prosecutrix is residing at Nari Niketan, Jalandhar and is not keen to go back to the house of her parents.

Without commenting on the merits of the case and keeping in view the fact that the petitioner is behind bars since 05.08.2019 and the trial is unlikely to conclude in the near future, no useful purpose would be served in keeping the petitioner in custody. In the circumstances, present petition is allowed and the petitioner is admitted to bail to the satisfaction of the trial court/Duty Magistrate concerned.

(MANJARI NEHRU KAUL)
JUDGE

24.02.2020

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Whether speaking/reasoned:

Yes/No

Whether reportable :

Yes/No