

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

Sr. No.201

**CRM-M-11142-2020
Date of Decision: 06.10.2020**

EKAM SINGH

...Petitioner

VERSUS

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr. Talwinder Singh, Advocate,
for the petitioner.

Ms. Bhavna Gupta, Assistant Advocate General, Punjab.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

Status report, in the form of affidavit of Sh. Shubeg Singh, Deputy Superintendent of Police, Dharamkot (Moga), has been received and the same is taken on record. The same has been filed in consonance of the order passed on 24.08.2020.

Heard on the bail petition.

The present petition has been filed by the petitioner, namely, Ekam Singh, thereby making prayer for grant of regular bail in case bearing FIR No.170 dated 18.11.2019, under Sections 363, 366-A IPC, registered at Police Station Kot Ise Khan, District Moga.

Aforesaid FIR was got registered at the instance of Balwinder Singh @ Sokhi son of Lachman Singh, on the accusations that on 15.11.2019, while he along with his daughter (name withheld), who is

victim, aged about 13 years, had retired. At about 12:30 a.m., when he woke up, he saw that his daughter was missing from the bed. He searched for his daughter and he found that Ekam Singh son of Jagtar Singh, enticed away his daughter with an intent to marry her.

Now, it is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the present case. In fact, no offence has been committed by the petitioner. The victim willingly remained in the company of the petitioner, as her father is a drunkard person and used to ill-treat his daughter. In fact, after recording of the statement under Section 164 Cr.P.C., the victim was not inclined to accompany her father, and therefore, she was handed over to Child Welfare Committee, Moga, and thereafter, she was sent to Vinita Gandhi Ashram, Jalandhar. As such, in these circumstances, learned counsel for the petitioner has made a prayer for grant of regular bail to the petitioner, as he is in custody since 23.11.2019 and challan has been presented.

On the other hand, learned State Counsel has resisted the claim of the petitioner for grant of regular bail and she submits that even though, challan has been presented, but charge has yet not been framed. As such, it is too premature to consider the claim for bail.

Perusal of the record reveals that even though, case has been registered under Section 363 and 366-A IPC, but however, as evident from the affidavit of Sh. Shubeg Singh, Deputy Superintendent of Police, Dharamkot (Moga), medical examination of the victim has been got conducted from Civil Hospital, Moga, and FSL report is still awaited.

Considering the same and also considering the nature of accusations and more particularly in view of the age of the prosecutrix, it is too early to comment upon the innocence of the petitioner. Though challan has been presented, but charge has yet to be framed.

In view of the aforesaid circumstances, no case is made out for grant of regular bail to the petitioner, at this stage. Hence, the present petition is hereby dismissed.

(ARCHANA PURI)
JUDGE

06.10.2020
Himanshu

Whether speaking/reasoned	Yes
Whether reportable	No