

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

CRM-M-17314-2020 (O&M)

Date of decision : 31.08.2020

Sanjeev Kumar @ Sanjiv @ Raju

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Harvinder Singh Maan, Advocate for the petitioner.

Mr. Amit Mehta, Sr. DAG, Punjab.

ANIL KSHETARPAL, J. (ORAL)

The petitioner prays for bail pending trial in a criminal case arising from FIR No.44 dated 15.02.2019 registered under Sections 363/366/328/376/120-B of the Indian Penal Code, 1860, read with Section 4 of the Protection of Children From Sexual Offences Act, 2012, at Police Station Kotwali Patiala, District Patiala.

In a nutshell, the case of the prosecution is that Jaswinder Singh has registered this FIR against Nannu and the petitioner alleging that his minor daughter has been enticed away by Nannu in connivance with the petitioner.

Learned counsel for the petitioner has drawn attention of the Court to the statement of the prosecutrix dated 22.02.2019 (Annexure P-2), which is reproduced as under:-

“I, Sonia daughter of Jaswinder Singh am resident of Gopal Colony, Sanaur Road Patiala. That on dated 12.02.2019, I went away from home with my friend Nannu without informing my parents. Now I have come back. During this time any force or any wrong act is not committed with me. Therefore, I do not want to undergo medical examination. This is my own decision.”

He further brought to the notice of the Court that another statement of the prosecutrix under Section 164 Cr.P.C. was recorded on 29.02.2019, however, there are no allegations that the petitioner ever made any physical contacts with her.

The petitioner is in custody since 07.05.2019. The conclusion of the trial is likely to take time.

Without commenting on the merits of the case and keeping in view the aforesaid facts, the petitioner is directed to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate.

Accordingly, the present petition is allowed.

31.08.2020

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No