

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

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**CRM-30632-2020 in/and
CRM-M-29115-2020
Date of Decision: 16.12.2020**

Gursharan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Ms. Niharika Gupta, Advocate, for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Jagdev Singh.*(proceedings conducted through video conferencing)***GURVINDER SINGH GILL, J. (Oral)****CRM-30632-2020**

For the reasons mentioned in the application, the same is allowed. Orders dated 30.09.2019 and 10.02.2020 (Annexures A-1 & A-2) are taken on record subject to all just exceptions.

CRM-M-29115-2020

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.53 dated 30.07.2019 at Police Station Saeiq, District Faridkot, under Sections 363, 366-A, 120-B IPC (Offences under Sections 187, 376 IPC and under Sections 3 & 4 of the Protection of Children from Sexual Offences Act, 2012 have been added later on).

2. The FIR was registered at the instance of Simarjit Kaur, wherein it has been alleged that the house of the Jarnail Singh abuts the house of the complainant and that the house of Aasa Singh is also situated on the main road. It is alleged that Gursharan Singh grandson of Aasa Singh used to keep an evil eye on complainant's daughter and although efforts were made to reason out with him, but he did not relent from his aforesaid conduct. It is alleged that Jarnail Singh, Jagmeet Singh, Sartaj Singh etc. used to support Gursharan Singh. It is further stated therein that Varinder Singh '*Sarpanch*' had taken signatures/thumb impression of complainant's husband and of her son Arshdeep Singh on stamp papers on the pretext of getting some grants issued, but same were never issued. It is further alleged that on 27.07.2019, the complainant found her daughter Nabhpreet Kaur missing from home and although they searched for her, but she could not be found. Later it transpired that even Gursharan Singh was missing from his house. The complainant thus suspected that her daughter had been enticed away by Gursharan Singh on the pretext of marrying her and that Jarnail Singh, Jagmeet Singh, Sartaj Singh had helped Gursharan Singh in enticing away her daughter in a pre-planned conspiracy.
3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that the falsity of the case would be evident from the fact that when the statement of prosecutrix was recorded in terms of Section 164 Cr.P.C., she categorically stated that she had established physical relations with

the petitioner with her own free consent and that it is the other four accused, who should be punished.

4. Opposing the petition, the learned State counsel has submitted that it is a case where the prosecutrix is less than 16 years and that in these circumstances, her consent would be immaterial. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last 1 year and 4 months.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the fact that the prosecutrix has specifically stated in statement recorded under Section 164 Cr.P.C. that she had established physical relations with the petitioner out of her free will and while also noticing that two of the co-accused have already been granted bail and while also bearing in mind that the petitioner as on date has been behind bars since the last about 1 year and 4 months and conclusion of trial is likely to take time as the trial is yet to commence, further detention of the petitioner will not serve any useful purpose, the petition is accepted and the petitioner 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.

16.12.2020

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**