

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

CRM-M-29623-2020 (O&M)
Date of Decision:- 10.11.2020

Gurpreet Singh ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sukhdeep Singh Bhinder, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.116 dated 13.5.2020 under Sections 363/366-A IPC and Section 4 of POCSO Act at Police Station City Rajpura, District Patiala.
2. The FIR was lodged at the instance of Sarabjot Singh wherein it is alleged that he has three children including the victim, aged about 16 years, who had dropped out of the school after passing 10th. It is alleged that on 11.5.2020, the petitioner alongwith his wife went to the native village of his wife on account of a bereavement in the family. It is alleged that on 12.5.2020, he received a call from his brother to the effect that the complainant's daughter i.e. the victim was missing from home. The complainant and other members of his family searched for his daughter but she could not be traced. The complainant suspected that this daughter has been enticed away by Gurpreet Singh, who is distantly related to him as he intended to marry his daughter.

3. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and infact even in the statement of the victim recorded under Section 164 Cr.P.C. she did not utter a word against the petitioner and rather specifically stated that she had voluntarily accompanied the petitioner and that petitioner had not committed any wrong with her.
4. Opposing the petition, the learned State counsel has not disputed the fact that the victim in her statement recorded under Section 164 Cr.P.C. did not state anything against the petitioner but has submitted that since the victim was aged less than 18 years, the petitioner, in any case would be liable for having committed offence under Section 4 of the POCSO Act and for having committed offences under Section 363 IPC. The learned State counsel has, however, informed that challan already stands presented and that the petitioner has been behind bars since the last more than 5 months.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case especially that the prosecutrix in her statement u/s 164 Cr.P.C. has not fully supported the case of the prosecution and that the petitioner, in any case, has been behind bars since the last more than 5 months, further detention of the petitioner will not serve any useful purpose.
7. The petition, as such, 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.

10.11.2020

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(Gurvinder Singh Gill)
JudgeWhether speaking /reasoned
Whether ReportableYes / No
Yes / No