

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-33469 of 2020
Date of Decision : 29.10.2020

Bharwinder Kumar @ Rinku

...Petitioner

Versus

State of Punjab

...Respondent

(Through video conferencing)

CORAM: *HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI*

Present: Mr.Amaninder Singh Sekhon, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, Deputy Advocate General, Punjab.

Harsimran Singh Sethi, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C.
for the grant of regular bail in respect of FIR No.134 dated 25.07.2020,
registered at Police Station City Kotkapura, District Faridkot
(Annexure P-1) under Sections 363 and 366-A IPC.

Learned counsel for the petitioner argues that though, in the
present petition the date of birth of the prosecutrix has been mentioned as
12.07.2003, which means she is a minor, but she went with the petitioner
without their being any coercion or pressure on her, which fact according to
learned counsel is clear from the statement of the prosecutrix recorded
under Section 161 of the Cr.P.C. attached as Annexure P-3 with this

petition.

Learned counsel for the petitioner submits that there are no allegations of any maltreatment or any abuse with the prosecutrix in any manner at the hands of the petitioner . Learned counsel further submits that challan has already been presented and, therefore, keeping the petitioner behind the bars at this stage will serve no purpose.

Learned State counsel submits that the prosecutrix is a minor and probably she was enticed away by the present petitioner. Learned counsel concedes that there are no allegations related to Section 376 IPC or under the POCSO Act, 2012 against the petitioner in the present petition.

I have heard the counsel for the parties and have gone through the record of the case with their able assistance.

The allegations against the petitioner is only with regard to enticing away a minor. The statement of the minor prosecutrix is already on record as Annexure P-3. As the challan has already been presented and there are no allegations against the petitioner in respect of Section 376 IPC or under the POCSO Act, 2012, no useful purpose will be served in keeping the petitioner behind the bars during the trial.

Keeping in view the above, the petitioner has made out the case for the grant of regular bail.

In view of the above and without commenting upon the merits of the case, it is directed that the petitioner be released on regular bail, subject to the satisfaction of the trial Court/Duty Magistrate concerned.

Learned counsel for the petitioner undertakes that petitioner will not influence trial in any manner including influencing the witnesses and in case of default of the above undertaking, State will be at liberty to

approach this Court for passing appropriate orders.

However, it is made clear that anything observed herein shall not be construed to be an expression of any opinion on the merits of the case.

October 29, 2020
jt/naresh k.

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No