

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218)

CRM-M-35668 of 2020

Date of Decision: 06.11.2020

Kuldeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Amaninder Singh, Advocate, for the petitioner.
Mr. Sidakmeet Singh Sandhu, AAG, Punjab.
Mr. Achin Gupta, Advocate, for the complainant.

Amol Rattan Singh, J. (Oral)

All the cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

By this petition, filed under the provisions of Section 439 of the Cr.P.C., the petitioner seeks the concession of 'regular bail', upon FIR no.62, dated 05.08.2020, having been registered at Police Station Sadiq, District Faridkot, alleging therein the commission of offences punishable under Section 363/366A of the IPC.

Learned counsel for the petitioner submits that though the petitioner has been named in the FIR as one of the persons who came and took away the complainants' daughter from her home, however, even in her statement recorded under the provisions of Section 164 of the Cr.P.C., she has not named the petitioner anywhere in her entire statement, and in fact stated that she had gone of her own accord with one Manpreet Singh, and that Manpreet Singhs' brother-in-law had also met her and Manpreet Singh and left them at Village Sadiq in the house of the paternal aunt of Manpreet

Singh.

Learned State counsel obviously could not deny that factual position on the record, though he submits that the petitioner has been named in the FIR.

Mr. Gupta, learned counsel for the complainant, on the other hand submits that the girl being about 15-16 years of age, it is a clear case of enticement and her statement recorded under Section 164 of the Cr.P.C., to the effect that she left her home of her own accord, is meaningless.

He also points to the medico legal report (Annexure P-3) to submit that sexual intercourse having taken place cannot be ruled out.

Having considered the matter, it is first to be noticed that even in the said MLR the person who is stated to have (allegedly) taken away the girl from her house, is named as Manpreet Singh (and not the petitioner).

That being so, with the petitioners' name not coming either in the statement of the minor before the learned Magistrate or even in the MLR, without making any comment on the actual merits of the case, this petition is allowed, with the petitioner ordered to be enlarged on bail, upon his furnishing adequate bail and surety bonds to the satisfaction of the trial court/Duty Magistrate concerned.

06.11.2020
vcgarg

(AMOL RATTAN SINGH)
JUDGE

Whether reasoned/speaking: Yes
Whether reportable: No