

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

**CRM-M-35459-2019
Decided on : 17.01.2020**

Dharampreet Singh @ Lakhvir Singh @ Lakha @ Seeta Daku
and another

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. P.K.S. Phoolka, Advocate
for the petitioner(s).

Ms. Jaspreet Kaur, Asstt. AG, Punjab
with ASI Sulakhan Singh.

MANJARI NEHRU KAUL, J.

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail in case FIR No. 11, dated 02.02.2019, registered under Sections 363, 366-A, 376, 506, 34 IPC and Section 4 of the POCSO Act, 2012, registered at Police Station Cantt. Bathinda, District Bathinda.

The FIR was registered at the instance of the father of the prosecutrix, wherein, it was alleged that on 29th January, 2019, his daughter i.e. the prosecutrix left for her coaching centre and had not returned and hence he suspected that petitioner No.1 along with his friend i.e. petitioner No.2, may have enticed his daughter and taken her away.

Learned counsel for the petitioners has contended that the complainant has come out with a totally concocted story and the allegations leveled in the FIR are nothing but a bundle of lies. In fact, the complainant's father was opposed to the love affair between petitioner No.1 and the prosecutrix for which the prosecutrix would often be physically and mentally harassed and assaulted by the complainant. She was being pressurized to marry someone else against her wishes and it was in this

background that she ran away from the house.

Learned counsel for the petitioners further contended that while giving her statement under Section 164 Cr.P.C., the prosecutrix deposed that no wrong had been committed by petitioner No.1 and she had gone on her own accord as she was wanted to marry petitioner No.1.

Learned State counsel on the other hand submits that no doubt in her statement under Section 164 Cr.P.C., prosecutrix deposed in favour of the petitioners, however, there are serious allegations leveled against the petitioners. Prosecution evidence is underway and only 04 prosecution witnesses out of the 13 cited witnesses have been examined. Hence, no case for regular bail is made out.

Having considered the submissions made by either side, the petitioners have been behind bars admittedly since 05.02.2019 i.e. almost one year, and the star witness i.e. the prosecutrix has already been examined, further detention of the petitioner will not serve any useful purpose. The petition as such is allowed and the petitioners are admitted to bail to the satisfaction of trial Court/Duty Magistrate, Bathinda. However, it is made clear that anything observed herein shall not be construed as an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 17, 2020

J.Ram

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No