

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-23036-2020 (O&M)
Date of Decision:-10.3.2021

Ajay Kumar ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. L.M. Gulati, Advocate for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab,
assisted by ASI Sarwan Singh.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered vide FIR No.36 dated 9.3.2020 at Police Station Kamboj, District Amritsar under Sections 363 and 366 of Indian Penal Code, 1860 and Section 6 of POCSO Act, wherein offences under Sections 376, 506 and 343 IPC were added later on.
2. The FIR was lodged at the instance of Rajbir Kaur, wherein it has been alleged that she has a daughter i.e. the prosecutrix is aged 17½ years. On 7.3.2020 while she was taking rest, her daughter was working in the kitchen. However, shortly thereafter when she called her daughter, there was no response and when she went to the kitchen, she found that her daughter was

missing. Although, the complainant tried to search for her daughter but she could not be traced. The complainant suspected that her daughter had been enticed away by Ajay Kumar (petitioner) on the pretext of marrying her and had kidnapped her.

3. Learned counsel for the petitioner has submitted that the FIR came to be lodged on account of some misunderstanding, which has now been resolved and that infact during the course of trial the prosecutrix as well as her mother Rajbir Kaur, who were examined as PW-2 and PW-3, have turned hostile and have not supported the case of prosecution. Learned counsel for the petitioner has today passed on the aforesaid statements through whatsapp.
4. Although, learned State counsel has feigned ignorance about the aforesaid position regarding the witnesses turning hostile, but since learned counsel for the petitioner has stated at the bar, this Court accepts the aforesaid contention. In any case, the petitioner has already been behind bars since the last about 8 months. As such, keeping in view the contention of the learned counsel for the petitioner that the victim as well as the complainant have turned hostile and while noticing the custody period, 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.

10.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No