

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

CRM No.M-43761 of 2021 (O&M)

Date of Decision: October 27, 2021

Ekam Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Talwinder Singh, Advocate
for the petitioner.

ARCHANA PURI, J.

The matter has been taken up through video conferencing in the light of COVID-19 pandemic.

The petitioner has filed this third petition under Section 439 Cr.P.C. for seeking regular bail in case FIR No.170 dated 18.11.2019 under Sections 363 and 366-A IPC, Police Station Kot Ise Khan, District Moga.

Notice of motion.

Ms.Anu Pal, Sr.DAG, Punjab, accepts notice on behalf of the respondent-State and has send custody certificate of the petitioner through E-mail, hardcopy whereof, has been taken on record.

Heard on the bail petition.

The aforesaid case was registered at the instance of Balwinder Singh @ Sokhi, on the accusations that on 15.11.2019, he along with his

daughter (name withheld), who is victim, aged about 13 years, had retired

after having dinner. At about 12:30 a.m., when he woke up, he saw that his daughter was missing from the bed. He searched for his daughter and he found that Ekam Singh s/o Jagtar Singh, enticed away his daughter with an intent to marry her.

Now, it is submitted by learned counsel for the petitioner that out of 18 cited witnesses, only one witness has been examined i.e. victim and she has not supported the prosecution version. The petitioner is in custody since 22.11.2019. The conclusion of the trial is likely to take time. As such, a prayer has been made for grant of regular bail to the petitioner.

On the other hand, learned State counsel has resisted the claim for bail. She submits that sole witness examined is the victim but she admits that she has not supported the prosecution version. However, she submits that allegations are of serious nature. As such, she makes prayer for dismissal of the petition.

May it be so, that only one witness has been examined but however, it is the victim, who has been examined. Copy of the testimony of the victim has been placed on record. Perusal of the same reveals that she has not supported the prosecution version. Even, copy of FSL report has been placed on record. Though, it is the version of the prosecution that victim was lastly found in the company of petition, at the time, when she was recovered but she was subjected to the medical examination and perusal of the FSL report reveals that *'human semen was not detected on Vaginal swabs'*.

The petitioner is in custody since 22.11.2019. Due to restricted working of the Courts, the conclusion of the trial is likely to take considerable time. As such, the petitioner cannot be detained in custody,

indefinitely.

Considering the aforesaid facts, at this stage, without dilating further on merits of the case, this Court deems it appropriate to grant regular bail to the petitioner. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

(ARCHANA PURI)
JUDGE

October 27, 2021
Vgulati

Whether speaking/reasoned	Yes
Whether reportable	No