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

CRM-M-39455-2020

Date of Decision: 28.01.2021

Nanak Singh

.. Petitioner

Vs.

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Vishal Goel, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

...

Manoj Bajaj, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C for grant of regular bail, pending trial in case FIR No.118 dated 07.08.2020 registered under Sections 363 and 366-A IPC, 1860 (Sections 376 and 120-B IPC, 1860 and Section 4 POCSO Act, 2012 added later on) at Police Station Sultanwind, District Police Commissionerate, Amritsar. The petitioner is in custody since his arrest on 10.08.2020.

The FIR was registered on the statement of complainant Kiran, wherein she stated that 20 days back, her daughter, namely, Preet Kaur aged about 13 years went somewhere without informing anyone and after some days, they came to know that Kamaljit Kaur had taken her daughter at her house from Darbar Sahib. She brought her daughter back from Kamaljit Kaur's house. On 30.07.2020, she along with her daughter Preet Kaur went to the house of Kamaljit Kaur to take her daughter's articles and at about 12:00 (noon) when they were present there, then her daughter suddenly went missing and she did not come back. Later on, complainant came to

know that Nanak Singh (petitioner) had taken her daughter by enticing her on the pretext of marriage. On these broad allegations, the present FIR has been registered.

Learned counsel for the petitioner contends that the FIR was lodged by the mother of the prosecutrix and the version given by her is at material variance with the statement of the prosecutrix recorded on 07.08.2020 under Section 164 Cr.P.C (Annexure P-4). Learned counsel has pointed out that as per the prosecution itself, the victim left her own house and went to the Gurudwara from where she accompanied the petitioner and on asking of the petitioner, she was taken back by her parents. Learned counsel submits that when the prosecutrix went with her mother to collect her clothes from the house of the petitioner, the alleged incident is stated to have taken place. He submits that even the date of occurrence is different in both the statements and the allegations not only seem highly improbable, but do not contain the necessary ingredients of rape. According to him, the investigation of the case is complete, therefore, he prays for bail.

The prayer is opposed by learned State counsel assisted by ASI Jasbir Singh, on the ground that the offence is serious and the petitioner is named in the FIR as well as in the statement of the prosecutrix. He has further referred to the short reply by way of affidavit of Baljit Singh PPS, Deputy Superintendent, Central Jail, Amritsar. He submits that the investigation of the case is complete and the case is fixed for 01.02.2021 for framing of charges.

After hearing the learned counsel for the parties and considering the custodial period of the petitioner, this Court finds that the trial is likely to take some time to conclude, therefore, further custody of the

petitioner may not be necessary. This Court is cognizant of the fact that the outbreak of pandemic COVID-19 in the region may further delay the conclusion of trial.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate Amritsar.

The petition is allowed.

28.01.2021
Jasmine Kaur

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned	Yes	No
Whether reportable	Yes	No