

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Through Video Conferencing)**

230

**CRM-M-46495-2021(O&M)
Decided on : 10.11.2021**

GURBINDER SINGH @ GURWINDER SINGH @ LADDI

....Petitioner(s)

Versus

STATE OF PUNJAB

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Vikramjeet Singh, Advocate
for the petitioner.

Mr. Luvinder Sofat, AAG Punjab.

MANJARI NEHRU KAUL, J. (Oral)

The instant petition has been filed under Section 439 Cr.P.C., for grant of regular bail to the petitioner in case FIR No.183, dated 10.12.2020 under Sections 363 and 366-A of the IPC (Section 376 IPC and Section 6 of the POCSO Act added later on) registered at Police Station Chamkaur Sahib, District Rupnagar.

At the outset, learned counsel for the petitioner has invited the attention of this Court to Annexure P-1, which is the statement of the victim recorded under Section 164 CrPC. Learned counsel submits that a perusal of the aforementioned statement clearly reveals that victim had stated therein that she had accompanied the petitioner of her own accord as both of them were in love with each other. Learned counsel submits that besides this, the victim had also refused to subject herself to any medical examination subsequent to her recovery. Learned counsel has submitted that in the circumstances, the allegations levelled in the FIR in question, which was registered at the instance

of the father of the victim, that his daughter had been enticed away on the pretext of marriage, were contrary to the statement of the victim recorded under Section 164 CrPC. He has further submitted that the petitioner has been in custody since 07th January 2021 and only 03 out of 13 prosecution witnesses cited have been examined so far, hence there is no likelihood of the trial concluding in the near future.

Per contra, learned State counsel has not been able to controvert the submissions made by the learned counsel with respect to the contents of the statement of the victim recorded under Section 164 CrPC as well as there being no medical evidence of the victim on record to suggest any sexual assault.

I have heard learned counsel for the parties and perused the material on record.

In view of the the facts and circumstances as enumerated hereinabove, the instant petition is allowed and the petitioner is admitted to bail to the satisfaction of trial Court/Duty Magistrate. However, it is made clear that anything contained in this order shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

November 10, 2021

S.Sharma(syr)

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>