

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

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**CRM-M No. 10185 of 2023
Date of Decision : 17.4.2023**

*Peter**..... Petitioner**versus**State of Punjab**..... Respondent*

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R.S. Sidhu, Advocate, for the petitioner

Mr. Harpreet Singh, Addl. AG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.75 dated 26.11.2021 under Sections 363, 366-A, 120-B, 376, 201 and 506 IPC and Sections 4 and 6 of POCSO Act, registered at Police Station Kacha Pacca, District Tarn Taran.

2. The allegations against the petitioner are that he enticed away the complainant's daughter, aged about seventeen years and three months, on the pretext of marrying her.

3. Learned counsel for the petitioner contends that the allegations are false, and the victim herself has not supported the prosecution version in her statement recorded before the Magistrate under Section 164 Cr.P.C. The petitioner was about nineteen years of age only at the time of alleged occurrence. It is further submitted the investigation of the case is over.

4. Learned State counsel, on instructions from ASI Gurmeet Singh, does not dispute the fact that victim has not supported the prosecution version in her statement recorded under Section 164 Cr.P.C. He also submits that the victim

was summoned to testify by the trial Court at least on six occasions but has failed to appear. It is further submitted that charges have been framed and the prosecution witnesses, twenty three in number, will soon be examined. The petitioner is in custody since 12.6.2022, and has no other case pending against him.

5. The submissions of learned counsel for the parties have been considered.

6. It is apparent that investigation of the case is over and charges stand framed in the case. The victim, who has not initially supported the prosecution version, is not coming forward to testify and trial of the case is not progressing. The petitioner is in custody since 12.6.2022 and has no criminal antecedents. Therefore, no useful purpose will be served by confining him to custody any longer.

7. Accordingly, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

17.4.2023
Ashwani

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No