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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-19851-2022

Date of Decision:- 12.01.2023.

NARSI RAM

....Petitioner

Vs.

STATE OF PUNJAB AND ANR

...Respondents

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Dr. Govinder Singh Brar, Advocate
for the petitioner.

Mr. Mohinder Singh Joshi, Additional A.G. Punjab.

AMARJOT BHATTI, J. (Oral)

The petitioner – Narsi Ram has filed the instant petition under Section 439 Cr.P.C. for grant of regular bail in FIR No.104, dated 09.10.2015 under Sections 363, 366-A, 376 IPC and Section 6 of Protection of Children from Sexual Offences Act registered at Police Station Bahavwala, District Fazilka.

The facts of the case are that Bhola Singh gave his statement to the police that his elder daughter (i.e. prosecutrix) is 15 years old. On 30.09.2015, the entire family went to sleep in the courtyard after meal. In the morning, at about 05:00 A.M, he and his wife woke up and noticed that the victim was not present in the house. They tried to search her in and around the village but failed to locate her. They came to know that on the same night Narsi @Subhash also ran away from his house. Now he is convinced that his minor daughter has been kidnapped by Narsi @Subhash

by giving her the allurements of marriage in connivance with his cousin Bhala Ram. With these allegations, present FIR was registered. After completion of investigation, challan is already presented in the Court and the case is fixed for prosecution evidence.

Learned counsel for the petitioner argued that he is falsely implicated in the case. He referred to the statement of victim recorded in the Court (Annexure P-4) where she has not supported the prosecution story. He was arrested in this case on 08.01.2022 and since then, he is in judicial lockup. He will abide by the terms of bail order. It is prayed that his regular bail application may be allowed.

The bail application is opposed by learned counsel representing the State. It is argued that there are serious allegations against the petitioner. The victim was minor. In the status report, it is mentioned that till date no witness was examined. It is further mentioned in para no. 6 of the status report that during verification and enquiry, it was found that the prosecutrix has performed marriage with the accused and out of this wedlock, they have a female child. It is argued that considering the gravity of offence, petitioner is not entitled to be released on bail.

I have considered the arguments advanced before me and I have gone through the record carefully. As referred above, the statement of prosecutrix is already recorded as PW3. The said statement is Annexure P-4, in which she has not supported the prosecution version and was declared hostile. Rather, she claimed that a false FIR was got registered by her father against the petitioner. During cross-examination, she also confirmed her marriage with the petitioner as well as birth of a female child. This fact is also confirmed in the status report filed by the counsel representing the

State. The trial is still under progress. The remaining prosecution evidence is yet to be recorded.

Considering the aforesaid facts and without expressing my mind on the merits of the case, the regular bail application filed by the petitioner – Narsi Ram is allowed. He is ordered to be released on bail to the satisfaction of trial Court/Duty Judge.

The petition is disposed of.

12.01.2023

lalit/sunil devi

(AMARJOT BHATTI)
JUDGE

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