

CRM-M-17764-2024 (O&M)

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

2024.PHHC.170232



**CRM-M-17764-2024 (O&M)
DATE OF DECISION : 18.12.2024**

NANAK SINGH

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER ... RESPONDENTS

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.
Ms. Sakshi Bakshi, AAG, Punjab.

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HARPREET KAUR JEEWAN, J. (ORAL)

1. This is the 2nd petition filed under Section 439 of the Code of Criminal Procedure, 1973 seeking regular bail in case FIR No.57 dated 05.08.2023, under Sections 363, 366-A IPC, 1860 (Sections 212, 366, 376-D, 120-B IPC and Sections 4, 17 of Protection of Children from Sexual Offences Act, 2012, added later on and Sections 376-A of IPC deleted later on), registered at Police Station Bhindi Saidan, District Amritsar Rural. The first petition was dismissed as withdrawn vide order dated 06.02.2024 passed in CRM-M-61425-2023 (Annexure P-11).

2. The present FIR has been registered at the instance of father of the prosecutrix with the allegations that on 04.08.2023, at about 4:30 AM, he found that his daughter was not lying in the bed. Her date of birth is 24.02.2006. It has been further informed that after some time, his nephew Major Singh informed the complainant that he had seen the prosecutrix along with the petitioner Nanak Singh while going on his motorcycle. It is

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further alleged that the prosecutrix had taken away a sum of Rs.40,000/- along with her while leaving the house. The petitioner is alleged to have enticed away the minor daughter of the complainant on the pretext of marriage.

3. I have heard the counsel for the parties and perused the paper-book.

4. The prosecutrix in her statement recorded under Section 164 Cr.P.C., (Annexure P-2) has stated that she does not want to go back to her house and at that time she had also stated that she does not want to live with her parents. Her parents used to beat her and they wanted to marry her somewhere else. As per the medical examination of the prosecutrix (Annexure P-4), her estimated radiological age as per the ossification test is between 17 to 20 years. As per the status report, her age has been verified as 17 years, 6 months and 10 days at the time of alleged occurrence on the basis of the School Leaving Certificate where her date of birth is recorded as 24.02.2006.

5. The statement of the prosecutrix and other private witnesses have already been recorded. The victim when appeared as PW-3 has not stated anything incriminating against the petitioner in her statement (Annexure P-9). Similarly, the cousin brother of the prosecutrix while appearing as PW-2 (Annexure P-8) and the father of the victim, who appeared as PW-1 (Annexure P-7) have not stated anything incriminating against the petitioner. The investigation of the case is complete and challan has been presented. Five witnesses have already been examined whereas 15 are yet to be recorded. The petition is in custody since 11.08.2023. The conclusion of the trial is going to take time. No fruitful purpose would be

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served by detaining the petitioner in custody for indefinite period during the trial. Therefore, without expressing any opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the trial Court concerned.

6. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
7. Pending miscellaneous application(s), if any, shall also stand disposed of.

18.12.2024

Janki

(HARPREET KAUR JEEWAN)

JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No