



Sr. No.229

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

CRM-M-18270-2024
Date of decision: 23rd May, 2024

LAL SINGH**Petitioner**

versus

STATE OF PUNJAB AND ANOTHER**Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Angrej Kumar, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been 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 and 366-A of IPC deleted later on), registered at Police Station Bhindi Saidan, District Amritsar Rural (Annexure P-1).
2. The present FIR has been registered at the instance of respondent No.2 (father of the prosecutrix) with the allegations that on 04.08.2023, at about 4:30 AM, he found that his daughter, whose date of birth is 24.02.2006, was not on her bed. After some time, his nephew namely Major Singh informed him that he had seen the prosecutrix going with the co-accused namely Nanak Singh on his motorcycle. He further alleged that his daughter had taken Rs.40,000/- along with her and he is sure that the co-accused Nanak Singh has enticed away his daughter on the pretext of marriage.



3. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the present case. The prosecutrix had left her house with her free will and joined the company of co-accused Nanak Singh. Even in the statement of the prosecutrix, recorded under Section 164 Cr.P.C., she has stated that on 04.08.2023, she went with co-accused Nanak Singh with her own will and he has not committed any wrong act with her. The petitioner is in custody since 06.12.2023.

4. Learned State counsel has opposed the present petition on the ground of gravity of allegations levelled against the petitioner. Status report dated 23.05.2023, has been filed by way of affidavit of Sh. Sukhjinder Pal Singh, PPS, Superintendent of Police, Sub-Division Attari, Amritsar (Rural), which is taken on record.

5. I have considered the aforesaid contentions and perused the paper book.

6. The age of the prosecutrix is 17 years and 05 months. In the statement of the prosecutrix recorded under Section 164 Cr.P.C., she has not levelled any allegation against the petitioner and stated that she has solemnized marriage with the co-accused of the petitioner namely Nanak Singh. As per the medico-legal report of the prosecutrix dated 04.09.2023 (Annexure P-3), her UPT was negative. The role of the petitioner as having assisted the co-accused Nanak Singh only surfaced on the basis of the subsequent supplementary statement of the prosecutrix recorded on 03.12.2023. The statement of the victim (PW-3) has already been recorded during trial (Annexure P-9). The statements of the father of the victim, who appeared as PW1 (Annexure P-7) and cousin brother of the victim, who appeared as PW-2 (Annexure P-8) have also been recorded and none of them have



7. Keeping in view the facts and circumstances of the present case as well as the custody of the petitioner and also the fact that investigation is complete, charges have been framed and there is no apprehension of absconding of the petitioner, the present petition is allowed.
8. 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/Duty Magistrate concerned.
9. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.
10. Pending miscellaneous application(s), if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

23rd May, 2024
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<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>