

Shera Ram @ Sheru Vs. State of Punjab

Present: Sh. M.P.S. Bishnoi, Advocate for accused/applicant.
Sh. Vinod Kumar, Addl. Public Prosecutor for State.

ORDER

Brief facts of the case, which require consideration for disposal of present bail application, are that FIR in question was registered against accused/applicant on statement of complainant "RK". In his statement, complainant has mainly claimed that his daughter XXXX [whose name is not being mentioned in this order in compliance of directions of Hon'ble Supreme Court in **State of Karnataka Versus Puttraj 2004 (1) SCC475** and is hereinafter called as victim] is aged about 16½ years and she is student of 10th class. Accused/applicant, who is related to complainant, was residing in his house for the last 1½ – 2 years. On 12.07.2023, complainant's family had gone to bed after having dinner. On the next morning, when complainant woke-up, he found victim and accused/applicant missing. Having a strong belief that accused/applicant has enticed and taken away victim along with him on pretext of marriage, the complainant reported the matter to police. Consequently, an FIR for offences punishable under Section 363, 366-A of Indian Penal Code (in short IPC) was registered against accused/applicant. Subsequently, he was arrested. Victim was also recovered from his possession. After recording of statement of victim under Section 164 of Code of Criminal Procedure (in short Cr.P.C.), offences under Section 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012 were added.

Accused is in custody, which necessitated filing the present bail application.

2. Notice of the present bail application given to respondent-State, Ld. Additional Public Prosecutor appeared on behalf of respondent-State and contested the present bail application.

3. I have heard learned counsel for the accused-applicant as well as learned Additional Public Prosecutor for the State and have gone through the police record.

4. From the perusal of record, it transpires that although FIR is by name against accused/applicant, but during trial of the case, the victim has not supported prosecution version. Report of Forensic Science Laboratory (in short FSL) in this case has been received. As per the said report, human semen and male DNA was not detected upon vaginal swabs of victim. Although, victim in her statement under Section 183 of Bharatiya Nagrik Suraksha Sanhita, 2023 (earlier Section 164 Cr.P.C.) has provided incriminating version against accused/applicant, but she has not reiterated the said version in her deposition in Court. Conclusion of trial may take some time. No useful purpose shall be served by detaining accused/applicant behind bars for indefinite period. No doubt, it is second bail application, but as the facts of the case have changed and report of FSL is also negative, therefore, this Court is of the opinion that accused/applicant deserves to be released on bail. Accordingly, bail application of accused/applicant stands allowed. He is ordered to be released on bail on furnishing personal bonds in the sum of Rs.50,000/-

with one surety of like amount on or before the date fixed i.e. 12.12.2025 in main trial.

5. The observations made above, shall not have any bearings on the decision of main case on merits. File be attached with the main file.

**Pronounced in Open Court
Dated :- 28.10.2025**

**(Tarntaran Singh Bindra),
Additional Sessions Judge,
Fast Track Special Court (POCSO),
Fazilka (UID No.PB-0199).**

Typed by : Manjit Singh,
Stenographer Grade-I.