

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

Crl. Misc. No.M-9227 of 2016
Date of Decision: 05.04.2016

Valmiki Pandey @ Balmiki PandeyPetitioner

Versus

State of PunjabRespondent

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

- 1. Whether reporters of local newspapers may be allowed to see the judgment ? (Yes/No)**
- 2. To be referred to reporters or not ? (Yes/No)**
- 3. Whether the judgment should be reported in the Digest ? (Yes/No)**

Present:- Mr. B.D. Sharma, Advocate
for the petitioner.

Ms. Ritu Punj, Addl. A.G., Punjab
for the respondent-State

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 439 Cr.P.C for grant of regular bail to the petitioner in case FIR No.5 dated 23.01.2016 registered under Sections 363-A and 120-B IPC at Police Station Satnampura, District Kapurthala.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the case, whereas, no role has been played by him. Even as per allegations levelled in the FIR, no offence is made out. Learned counsel also submits that there was delay of 16 days in lodging of the FIR and the same has not been explained. Daughter of the complainant was recovered and her statement was also recorded under

Section 164 Cr.P.C, wherein, her age was stated to be more than 18 years. She went with Gobinda Pandey, who is brother of the present petitioner and solemnized marriage with him as per her sweet will. The petitioner is in custody since 25.01.2016.

Learned counsel for the respondent-State, on instructions from ASI Bhagwant Singh, submits that the cancellation report has been prepared after recording the statement of the victim under Section 164 Cr.P.C.

In view of the submissions made by learned counsel for the petitioner and on perusal of role of the present petitioner and also the fact that the victim has specifically stated in her statement that she was with co-accused of the petitioner and had solemnized marriage with him and she was not kidnapped by the accused. Moreover, the cancellation report has also been prepared and petitioner is in custody since 25.01.2016 and no useful purpose would be served, in case, the petitioner is kept in custody any further, the present petition is allowed and the petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court.

05.04.2016
gurpreet

(DAYA CHAUDHARY)
JUDGE