

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

CRM-M No.45591 of 2017

Date of Decision: January 11, 2018

Akash Sabharwal

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Jasneet Mehra, Advocate
for the petitioner.

Ms. Monika Jalota, DAG, Punjab
assisted by HC Rajindr Kumar for the respondent-State.

LISA GILL J. (ORAL)

The petitioner seeks the concession of bail pending trial in FIR No.510 dated 12.10.2017, under Sections 363, 366-A, 120-B IPC, registered at Police Station Civil Lines Amritsar, District Amritsar.

It is submitted that the petitioner has been falsely implicated in this case. In fact the petitioner and the alleged victim aged about 17½ years, had friendly relations. As per allegations in the FIR, the complainant (mother of the alleged victim) found her missing from home on the intervening night of 08/09.10.2017 when she got up to ease herself at about 1.00 a.m. FIR was lodged on 12.10.2017 after a delay of three days. The victim was recovered on 16.10.2017 when she alongwith the petitioner had returned on account of death of the petitioner's father. The victim it is argued had accompanied the petitioner out of her own accord and no offence punishable under Sections 363, 366-A, 120-B IPC

is made out against the petitioner. Reference is made to the statement of the victim under Section 164 Cr.P.C. wherein she has specifically stated that she left her home out of her own free will. It is mentioned that when the petitioner came to meet her in a street, her parents came to know about her relationship. They were not in favour of the said relationship. It is due to this reason that she fled along with the petitioner. They returned on their own, when they came to know that the petitioner's father had passed away.

Learned counsel for the petitioner submits that the present FIR has been registered as the parents of the victim were not in favour of this relationship. Moreover, the final report in this case under Section 173 Cr.P.C. has since been presented. The petitioner is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Learned counsel for the respondent-State submits that the question of consent or otherwise in this case is irrelevant as the victim in this case was a minor being 17½ years old. However, the statement of the victim under Section 164 Cr.P.C. is not denied. On instructions from HC Rajinder Kumar, it is verified that the petitioner is not involved in any other criminal case.

No useful purpose would be served by keeping the petitioner incarcerated any longer in the facts and circumstances of this case. There are no allegations that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in Court, if released on bail.

Keeping in view the facts and circumstances as above but without commenting upon or expressing any opinion on the merits of the case, this petition filed by petitioner-Akash Sabharwal is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/Duty Magistrate.

None of the observations made hereinabove shall be construed to be a reflection on the merits of the case and shall have no bearing on trial.

The petitioner shall not try to contact the victim, her family members or any of the witnesses, directly or indirectly in any manner. Any such infraction in this regard may entail cancellation of his bail.

(LISA GILL)
JUDGE

January 11, 2018

rittu

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