

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Criminal Misc. No. M-758 of 2019 (O&M)
Date of decision : January 16, 2019

Mukesh Kumar alias Sandy

....Petitioner

versus

State of Punjab

....Respondent

Coram: Hon'ble Mr. Justice Fateh Deep Singh

Present : Mr. Aditya Pratap Singh, Advocate, for the petitioner
Mr. Saurav Khurana, DAG, Punjab, for the State

Fateh Deep Singh, J. (Oral)

Petitioner Mukesh Kumar alias Sandy has come up in this regular bail application in case FIR No. 84 dated 22.11.2018, under Sections 363, 366 IPC, Police Station Division No. 1, Pathankot.

The present case was got lodged by Kuldeep Kumar, cousin brother of a girl aged around 16 years who was residing with them and on 20.11.2018 in the evening had gone missing and subsequently on the suspicion name of the present petitioner has been cropped up leading to the recovery of girl on 22.11.2018 and arrest of the petitioner on the same very day.

Mr. Aditya Pratap Singh, counsel for the petitioner submits that

own stand of the victim in her statement under Section 164 Cr.P.C. made before the learned JMIC does not level any allegation against the petitioner and only stated that she went along with the petitioner on her own and has even denied to undergo any medical examination and that the petitioner is behind the bars since a long time.

Mr. Saurav Khurana, learned State counsel assisted by ASI Jagdish Singh, Police Station Division No. 1, Pathankot has opposed the grant of bail on the grounds that the victim was a minor and that it was the petitioner who was instrumental in taking her away from the lawful custody of her relatives and in view of the seriousness of the crime dis-entitles to any relief.

Appreciating the stand of the girl as is stated by the learned State counsel in her statement under Section 164 Cr.P.C. clearly exonerates the petitioner of any offence and rather states that it was her own voluntary act in accompanying the petitioner and they have returned back on their own together with the fact as has been conceded by the learned State counsel, there is no medical examination of the girl to substantiate the allegations. The petitioner is behind the bars since a long time. The culpability, if any, shall be determined at the trial which is not likely to be concluded in near future, no purpose will be served by retaining the petitioner in jail. Accordingly, he is ordered to be released on regular bail to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, Pathankot.

The present petition stands disposed off accordingly.

The observations made herein above shall have no bearing on the merits of the case as these are purely for the disposal of the present bail application.

January 16, 2019
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(Fateh Deep Singh)
Judge

<i>Whether speaking/reasoned ?</i>	<i>Yes/No</i>
<i>Whether Reportable ?</i>	<i>Yes/No</i>