

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

CRM-M-28704-2020

Date of decision: **23.9.2020**

NEERAJ

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Namit Khurana, Advocate
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

(Proceedings conducted through video conferencing).

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.64 dated 8.5.2019 under Sections 363, 366-A IPC at Police Station Adampur, District Jalandhar.
2. The FIR was lodged at the instance of Nathu Ram wherein it has been alleged that he had dropped his daughter (victim) aged about 14 years at her school on 7.5.2019 in the morning but her daughter did not return back home on the said day and although they made efforts to trace her but

she could not found. The complainant suspected that her daughter had been enticed away by Neeraj (petitioner) on the pretext of marrying her.

3. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that he had not enticed complainant's daughter and that when the statement of the complainant's daughter was recorded in terms of Section 164 Cr.P.C. she categorically stated that she accompanied the petitioner out of her own accord and that the petitioner had not done any 'wrong' act with her and that both of them are happy and that they had also solemnized marriage in a temple.
4. Opposing the petition, learned State counsel has submitted that since it is a case where complainant's daughter was aged barely 14 years, it goes without saying that she was not able to think rationally and was apparently enticed away by the petitioner and in these circumstances the petitioner does not deserve concession of bail. It has however been informed that the petitioner has been behind bars since last 9 months.
5. I have considered rival submissions addressed before this Court.
6. Keeping in view the statement of the victim recorded in terms of Section 164 Cr.P.C., it is rendered debatable as to whether the petitioner had enticed away the complainant's daughter or as to whether the complainant's daughter voluntarily accompanied the petitioner out of her own free will & accord. In any case, since the petitioner has been behind bars since last 9 months, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to take some time. The petition, as such, is accepted and the petitioner is ordered to be released

on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.9.2020
Gaurav Sorot

(GURVINDER SINGH GILL)
JUDGE

Whether reasoned / speaking?	Yes / No
Whether reportable?	Yes / No