

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-M No.1141 of 2021 (O & M)
Date of decision:14.01.2021

Sachin

... Petitioner

Vs.

State of U.T., Chandigarh

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Suresh Pal, Advocate for the petitioner.

Mr. Ashu Mohan Punchi, Public Prosecutor, U.T., Chandigarh with
Mr. Anupam Bansal, Advocate.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.181, dated 04.12.2020 registered under Sections 363 and 366 IPC, 1860, at Police Station Manimajra, Chandigarh.

Counsel for the petitioner has argued that the FIR has been registered against the petitioner by the father of the victim on the allegation that he had taken away his daughter by alluring her with a promise to marry. He submits that the petitioner is a young boy of 23 years of age and had close family ties with family of the victim. According to him, statement of the victim has been recorded under Section 164 Cr.P.C., wherein she stated that the petitioner is innocent and no wrong has been done with her.

Per contra, learned Public Prosecutor, U.T., Chandigarh, upon instructions from ASI Brahm Singh Rana, has opposed the petition. He has filed the custody certificate dated 14.01.2021, which is taken on record. He has read out the statement of the victim, wherein she has specifically stated that she had gone with the petitioner of her own volition.

I have considered the rival submissions of the parties.

In view the statement of the victim recorded under Section 164 Cr.P.C., the involvement of the petitioner in the crime is debatable. Considering the above facts and circumstances, the nature of allegations and gravity of offence, no purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

14.01.2021

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(SUVIR SEHGAL)

JUDGE

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No