

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

106

CRM-M-4710-2021

Date of decision: 24.02.2021

Sahil

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Rajesh Duhan, Advocate
for the petitioner.

Mr. P.S. Walia, Asstt. AG, Punjab
for respondent No.1-State.

Ms. Suman Bishnoi, Advocate
for respondent No.2.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 (for short 'the Cr.P.C.') for grant of regular bail in case FIR No.280 dated 09.11.2020 registered under Sections 363 and 366 of the Indian Penal Code, 1860 in Police Station Kotwali, Patiala.

The above-said FIR was registered on complaint made by father of the victim girl child who alleged in the complaint that his daughter aged about 17 years was missing since 05.11.2020 and that he was sure that Sahil (the petitioner) had taken away his daughter by alluring her on the pretext of performing marriage with her.

The petitioner, who is in custody since 19.11.2020, has

filed the present petition for grant of regular bail.

The petition has been opposed by the learned State Counsel in terms of reply filed by way of affidavit of Sh. Yogesh Kumar PPS, Deputy Superintendent of Police, City-1, Patiala through e-mail print out of which is taken on record.

Custody certificate has also been filed by learned State Counsel through e-mail print out of which is also taken on record.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for respondent No.2-complainant and have gone through the relevant record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the present case. FIR was registered on statement of the father of the victim-girl aged about 17 years and 3 months at the time of alleged occurrence. In her statement made under Section 164 of the Cr.P.C. the victim-girl stated that she had left her parental house due to cruel behaviour of her parents and went to Gurudwara and when she ran out of money she called the petitioner, who was her friend and accompanied him to Anardana Chowk, Patiala from where the police recovered her. The petitioner has not committed any offence. The trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 and no useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State counsel has submitted that the petitioner has committed heinous offences. In view of nature of accusation and gravity of offences, the petitioner does not deserve grant

of regular bail. Therefore, the petition may be dismissed.

Learned Counsel for respondent No.2-complainant has submitted that the complainant has no objection if the petitioner is granted regular bail.

Keeping in view the facts and circumstances of the case, nature of accusation and evidence against the petitioner, period of his custody, statement of the victim girl child under Section 164 of the Cr.P.C. and the fact that trial is likely to take long time due to restrictions imposed to prevent the spread of infection of Covid-19 but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

In view of the above, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.02.2021
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(ARUN KUMAR TYAGI)
JUDGE

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