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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M No.6108 of 2021 (O&M)

Decided on: 15.02.2021

Suraj Balyan

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Jasraj Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for grant of regular bail to the petitioner under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.280 dated 17.12.2020, for offence punishable under Sections 363, 366-A of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Rajpura, District Patiala.

Counsel for the petitioner has argued that as per the allegations in the FIR, the daughter of the complainant aged about 16 years, was enticed away by the petitioner. It is further submitted that in fact, the victim herself left the home and the petitioner helped her to go back to her home and for this reason, she did not support the prosecution version while recording her statement under Section 164 Cr.P.C.

Counsel for the petitioner has also submitted that as per the Aadhar Card, Pan Card and the passport application, the date of birth of the victim is 26.05.2002 and she was above 18 years of the age at the

CASE HEARD THROUGH VIDEO CONFERENCING

time of the alleged occurrence and therefore, Section 366-A, will not be attracted.

Counsel for the petitioner has also submitted that challan stands presented and it will take long time in conclusion of the trial. It is also submitted that the petitioner is not involved in any other case and he is in custody since 22.12.2020.

Counsel for the State has not disputed the factual position but opposed the prayer for bail. It is also submitted that the victim did not support the prosecution version in her statement recorded under Section 164 Cr.P.C.

Without commenting anything on merits of the case, considering the fact that challan stands presented; the petitioner is not involved in any other case; the custodial interrogation of the petitioner is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioner is directed to be released on bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case he is found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

15.02.2021

yakub

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No