

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-18432-2021

Date of Decision: May 20, 2021

VISHAL KHAN

..... Petitioner(s)

Versus

U.T. CHANDIGARH

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Ivan Singh Khosa, Advocate
for the petitioners.

Mr. Ashu Mohan Punchhi, Addl. PP, U.T., Chandigarh.

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to outbreak of the pandemic, COVID-19.

The petitioners pray for bail pending trial in FIR No.02, dated 01.01.2021 under Sections 363, 366 IPC, registered at Police Station IT Park Chandigarh.

Learned counsel for the petitioner submits that petitioner, who is a young man of 21 years, has been falsely implicated in this FIR. He has been in custody since 07.01.2021. Challan/final report under Section 173 Cr.P.C. stands presented. Learned counsel submits that alleged victim who was living with her mother and sister is stated to have left her parental home on 26.12.2020 without informing anyone. She returned on her own on 31.12.2020. No report regarding the victim missing since December 26,

2020 was ever registered by the mother of the victim till the victim returned

on her own on 31.12.2020. As per FIR dated 01.01.01.2021, the victim was lured to accompany the petitioner with intention of marriage. Learned counsel submits that even as per the victim's statement recorded under Section 164 Cr.P.C., no harm was caused to the victim and she had accompanied the petitioner herself. Offence under Section 366 IPC, it is submitted, in any case, is not made out against the petitioner and that the alleged victim had left her home due to unfavourable and inhospitable conditions therein which is evident from the fact that mother of the victim had not even reported her daughter to be missing. It is thus prayed that this petition be allowed.

Learned counsel for the State while opposing this petition submits that the victim in this case is a minor aged 16 years, thus this petition be dismissed.

Heard.

Statement of the victim under Section 164 Cr.P.C. has been circulated in the WhatsApp group, created for the purpose of video conferencing, wherein the alleged victim stated that she had friendly relations with the petitioner since the past 6 months and she had accompanied the petitioner as they wanted to get married. It is further stated that there were no physical relations between the petitioner and the victim and neither the petitioner tried to harm her in any manner. Parents of the petitioner had reached Amritsar on 30.12.2020 and had brought them back home. The victim then returned to her mother. It is stated in the FIR that complainant's daughter had left home on 26.12.2020 without informing anyone and she returned on 31.12.2020. Admittedly, the victim was not

reported to be missing. Learned counsel for the State on instructions from ASI Pale Ram verifies that challan/final report under Section 173 Cr.P.C. stands presented and the petitioner is not involved in any other criminal case.

In view of the peculiar situation, which has been created due to the outbreak of pandemic , COVID-19 and the fact that the trial is not likely to be concluded in the near future, no useful purpose shall be served by further incarceration of the petitioner.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court/CJM/Duty Magistrate, Chandigarh.

It is made clear that in case, petitioner tries to contact the victim or any of her family members, the concession of bail afforded to him may be cancelled.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

20.05.2021

Sunil

(LISA GILL)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No