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

CRM-M-29576-2021

Date of decision : 31.08.2021

Partiksha Godara

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ

Present: Mr. S.K. Verma, Advocate
for the petitioner.

Mr. M.S. Nagra, AAG, Punjab.

RAJESH BHARDWAJ, J. (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Prayer in the present petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.101 dated 16.06.2021, registered under Sections 343, 346, 363, 366A IPC, at Police Station Sardulgarh, District Mansa (Punjab).

The FIR in question has been lodged by the father of the victim namely, Surjeet Kumar, on the allegations that his daughter (victim) aged 17 years and 8 months was missing from the house since 15th June, 2021. He prayed for taking the legal action against the culprits. In pursuance to the

same, the investigation commenced and the victim was recovered on 23rd June, 2021.

Learned counsel for the petitioner has vehemently contended that from the allegations made in the FIR and the statement made by the victim, no offence under Section 366-A IPC is made out as no allegation that minor was allured by the petitioner knowing that she will be forced or seduced to illicit intercourse with another person, is found to have been made. He contends that the petitioner, who is a lady, has been falsely implicated in the FIR and she is having a pregnancy of 05 months old and as the offence under Section 366-A IPC itself is not made out, her custody is totally unwarranted.

Learned State counsel has opposed the contentions raised by counsel for the petitioner and argued that the minor has been recovered from the custody of the petitioner. However, he contends that the investigation in the case is complete. Challan is already presented and now the case is fixed for framing of charge.

I have heard learned counsel for the parties and perused the record.

I find that the petitioner is behind bars since 23rd June, 2021. The record shows that there is no other case/antecedents of the petitioner in the nature of the offence alleged here. Investigation is already complete, however, the trial would take sufficient time in its conclusion.

In the totality of the facts and circumstances of the case, the Court finds that learned counsel for the petitioner has succeeded in making out a case for bail to the petitioner. The present petition is allowed and the

petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the concerned trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

31.08.2021
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No