

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(209)

CRM-M-32389-2020

Date of Decision: 10.12.2021

Harpreet Singh @ Happy

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR. JUSTICE RAJESH BHARDWAJ.

Present:- Ms. Harpreet Kaur, Advocate for the petitioner.

Ms. Saskhi Bakshi, A.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.89 dated 23.7.2020 under sections 363, 366-A I.P.C, registered at Police Station, Sadar Kotkapura, District Faridkot.

As per factual matrix, the present FIR was lodged by Gulzar Singh, wherein it was alleged that he has 3 children including one daughter, who is 14-15 years of age. He and his wife had gone to Sikhanwala Road for plucking fruits and then they came to know that in their absence their daughter has been enticed away by the petitioner for solemnizing marriage. A request was made to trace the girl and take action against the culprits.

Petitioner was arrested on 28.7.2020. He approached learned Addl. Sessions Judge, Faridkot for grant of bail, however, the same was declined vide order dated 28.9.2020. Aggrieved by the same petitioner has approached this Court for grant of bail.

Learned counsel for the petitioner vehemently contends that the petitioner is a young boy and has been falsely implicated in the present FIR

and no offence, as alleged, is made out against him. It has been further contended that though the victim is a minor, however, both of them went together with their free will. It has been argued that both of them eloped together on 23.7.2020, remained at various places and were recovered on 28.7.2020 after 5 days. Counsel submits that facts and circumstances of the case would show that there was no coercion or threat used by the petitioner and it was totally consensual.

On the other hand, learned State counsel submits that the victim is a minor and her consent has no legal sanctity. She further submits that out of total 15 prosecution witnesses cited 9 have been examined. However, both victim and complainant have supported the case of the prosecution.

I have heard learned counsel for the parties at length and have gone through the records made available.

This Court finds that the petitioner is a young boy and is behind bars since 28.7.2020. The investigation is complete and the Trial Court is seized of the matter. The complainant as well as the victim have already been examined. As such, there cannot be any apprehension of scuttling or tampering with the evidence in the on going trial as the material witnesses have already been examined. I find that learned counsel for the petitioner has succeeded in making out a case for grant of bail to the petitioner.

In the totality of circumstances and without making any observations on merits, present petition is allowed. Petitioner be enlarged on bail subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

10.12.2021

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