

CRM-M- 37564-2021

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 37564-2021

Date of Decision: 16.09.2021

(Heard through VC)

Amarbir Singh alias Mithi

..... Petitioner

VERSUS

State of Punjab

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Ramnish Puri, Advocate
 for the petitioner.
 Ms. Rashmi Attri, AAG, Punjab.

JAISHREE THAKUR, J.(Oral)

The instant petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner pending trial in FIR No.62 dated 23.03.2021, under Sections 363, 366-A IPC (Sections 365, 368, 120-B IPC added later on) registered at Police Station Lopoke, District Amritsar.

Learned counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case as would be evident from the fact that daughter of the complainant had filed a protection petition against her parents before the High Court and sought protection of her life and liberty at their hands. It is argued that she had filed the above said petition through one Gurmukh Singh, claiming to be her guardian and said Gurmukh Singh has also been arrayed as an accused in this case. It is further argued that the prosecutrix in her statement recorded under Section 164 Cr.P.C. has specifically stated that she left the house of her own

volition along with the petitioner as she wanted to marry him.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that offences alleged against the petitioner are serious in nature and the petitioner herein enticed away the minor girl from her paternal home and got filed a petition for protection of life and liberty through one of his own relative, however, she does not dispute the fact that the matter stands investigated.

I have heard learned counsel for the parties.

The trial is likely to take some time to conclude. The matter stands investigated and challan stands presented. The co-accused Gurmukh Singh has been granted bail. The prosecutrix in her statement under Section 164 Cr.P.C. has exonerated the petitioner. No useful purpose would be served in keeping the petitioner behind bars any longer. At this stage, without commenting on the merits of the case, the instant petition is allowed and the petitioner is directed to be released on regular bail on execution of adequate personal and surety bond to the satisfaction of concerned trial Court/Duty Magistrate.

16.09.2021

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned

Yes

Whether reportable

No