

Manpreet Singh

.....Petitioner

Vs.

State of Punjab

....Respondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr.Amaninder Singh Sekhon, Advocate,
for the petitioner.

Mr. Ramdeep Partap, DAG, Punjab.

Mr. Achin Gupta, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (Oral)

Case heard by video conference.

By this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 Cr.P.C., upon FIR No.62, dated 05.08.2020, having been registered at Police Station Sadiq, District Faridkot, alleging therein the commission of offences punishable under Sections 363 and 366-A of the IPC.

Pursuant to the previous orders passed, a reply by way of an additional affidavit of the DSP, Sub Division, Faridkot, has been filed, stating therein that the alleged victim (stated to 15 years and 8 months old as per the FIR) was taken to the Medical College for her medical examination but she refused to get the same conducted; and thereafter she was produced before the learned Magistrate, where she got her statement recorded under the provisions of Section 164 of the Cr.P.C., (a copy of which has already been annexed with the petition as Annexure P-4), in which she stated that she had gone with the petitioner willingly and that she was never abducted.

Learned counsel for the petitioner therefore submits that the petitioner is entitled to the concession of bail, he already having been in custody for more than 5 months and the report under Section 173 Cr.P.C. also having been submitted.

Learned counsel for the complainant, however, vehemently opposes the same on the ground that the girl being less than 16 years of age at the time when her statement was recorded, would be meaningless.

Upon specific query to him, he of course could not deny that there has been no allegation of rape.

Learned State counsel naturally argued in terms of the reply filed on behalf of the State.

Having considered the matter, looking at the fact that the petitioner has been in custody for more than 5 months and the report under Section 173 Cr.P.C. has also been submitted, with there being no allegation of rape, even though the girl who stated that she went with the petitioner willingly was less than 16 years of age at that time, yet, in the aforesaid circumstances, I would see no reason to deny the petitioner the concession of bail, looking at his period of custody and the stage of trial.

Consequently, without making any comment on the actual merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail, upon him furnishing adequate bail and surety bonds to the satisfaction of the trial court/Area Magistrate/Duty Magistrate concerned.

January 14, 2021

dharamvir

**(AMOL RATTAN SINGH)
JUDGE**

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