

CRM-M-1628-2022

Date of decision: 24.01.2022

AMRITPAL SINGH @ AMBA

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Dharam Bir Bhargav, Advocate
for the petitioner.

Mr. Davinderbir Singh, DAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*

VIVEK PURI, J. (ORAL)

Amritpal Singh-petitioner is seeking regular bail in the case bearing FIR No. 165 dated 27.11.2018, under Sections 363/366-A/120-B IPC, registered at Police Station Sadar Faridkot, District Faridkot.

Briefly, the FIR has been registered on the basis of the statement of Jasvir Singh, the step-father of the victim alleging that the earlier marriage of the complainant with Sukhi ended in a Panchayati divorce and a son was born from the said wedlock, who was aged about 19 years. Subsequently, the complainant solemnized second marriage with the mother of the victim who started residing with him along with her children. On 05.11.2018, the petitioner who was residing in the neighbourhood enticed away the victim aged about 16 years on the pretext of solemnizing marriage.

The learned counsel for the petitioner contends that in fact the victim was being maltreated and harassed by her step-father and step-brother. In her statement recorded under Section 161 Cr.P.C., she has stated that the victim left

to her, her mother, brother and sister. The victim had been visiting the house of the father of the petitioner who had been residing in the neighbourhood and who was acquainted with her condition. The petitioner was working in Gujarat. Being frustrated, on account of beatings being given by the step father and step brother, the victim took money from the house and went to the petitioner in Gujarat and narrated the situation in the house. The petitioner kept her as a sister and arranged work for her at the house of Deepak Kumar and subsequently, the victim has solemnized marriage and is happily residing with her husband. Even in the statement under Section 164 Cr.P.C., it has been stated by the victim that she had left the house being fed up from the beatings being given by her step father and had gone to Gujarat all alone. She had met the petitioner and resided with him for 7-8 months as brother and sister. Thereafter, her marriage was solemnized and is residing happily with her husband in Gujarat.

On the instructions of ASI Sikander Singh, learned State counsel has not disputed the aforesaid factual aspect but has argued that the petitioner was earlier declared proclaimed offender.

It may be mentioned here that as per custody certificate, the petitioner has undergone incarceration for a period of 5 months and 24 days and he is not involved in any other case. It has also not been disputed that the statement of the complainant i.e. the father of the victim has already been recorded during the course of trial. The statements of the victim under Section 161 and 164 Cr.P.C. are indicative of the fact that she had voluntarily left the house without any inducement on the part of the petitioner. Furthermore, the victim has also put forth a version to the fact that she had been residing with the petitioner as a sister. Subsequently, the marriage of the victim has also been solemnized and she is residing happily with her husband in Gujarat. Though, the

incarceration for the lapse on his part. The conclusion of trial is likely to take sometime and no fruitful purpose would be served by detaining the petitioner in further custody.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

24.01.2022
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(VIVEK PURI)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No