

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

213

CRM-M-1743 of 2022
Date of decision:20.05.2022

Surpal alias Suraj

... Petitioner

Vs.

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Bhavesh Aggarwal, Advocate
for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Mr. Nitin Gupta, Advocate
for respondent No.2.

SUVIR SEHGAL, J. (Oral)

Instant petition has been filed under Section 439 Cr.P.C seeking grant of regular bail to the petitioner in case FIR No.162 dated 19.06.2021 registered under Sections 363, 366-A of Indian Penal Code, 1860 at Police Station Salem Tabri, District Police Commissionerate Ludhiana (Annexure P-1).

As per the version of the prosecution, FIR (Annexure P-1) has been registered on the statement of a father of a 15 years old school going girl (for short “the prosecutrix”) on the allegation that she is missing from her home since the night of 16/17.06.2021 and despite an extensive search, she could not be found. He suspects that Surpal @ Suraj, present petitioner, has enticed her on the pretext of marriage.

Counsel for the petitioner submits that despite the fact that the prosecutrix was recovered from the custody of the petitioner but in her statement recorded under Section 164 Cr.P.C., she has categorically stated that she went with the petitioner of her own volition. He submits that testimony of the prosecutrix as well as her parents have been recorded and the star prosecution witnesses have turned hostile. He asserts that the petitioner, who has a clean past and is in custody since 21.06.2021 deserves to be enlarged on bail.

Opposing the petition, State counsel upon instructions from SI Gurmeet Singh, submits that date of birth of the prosecutrix is 21.02.2006 and considering her age, petitioner does not deserve to be released on bail. Still further, upon instructions, he submits that prosecutrix declined her medical examination, though he could not dispute the testimony of the crucial witnesses.

Having considered the submissions made by counsel for the parties, this Court is of the view that complicity of the petitioner in the alleged offence, would remain controvertible before the Trial Court and the petitioner, who is in custody for the last more than 11 months, would be entitled to be released on bail as material prosecution witnesses have been examined and the trial is likely to take time to conclude as 10 more witnesses have to be examined by the prosecution.

Without delving into the merits or demerits of the arguments addressed by counsel for the parties, the petition is allowed and the petitioner is ordered to be released on bail on furnishing bail/surety bonds to

the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

May 20, 2022
savita

(SUVIR SEHGAL)
JUDGE

<i>Whether Speaking/Reasoned</i>	<i>Yes</i>
<i>Whether Reportable</i>	<i>Yes</i>