

AVTAR SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. A.S.Bhatti, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

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

VIVEK PURI, J. (ORAL)

Status report by way of affidavit of Raj Kumar, PPS, Deputy Superintendent of Police, Sub Division Tanda, District Hoshiarpur and custody certificate of the petitioner on behalf of the respondent-State have been filed and the same are taken on record.

Avtar Singh-petitioner is seeking regular bail in the case bearing FIR No. 203 dated 03.09.2021 under Sections 363/366-A IPC, 1860, registered at Police Station Tanda, District Hoshiarpur.

Briefly, the FIR has been registered on the basis of the statement of the mother of the victim alleging that the victim is aged about 16 years. On 01.09.2021, she went missing from the house. It was suspected that the petitioner has kidnapped her by alluring her to perform marriage.

Learned counsel for the petitioner contends that the allegations levelled in the FIR are wrong and furthermore, the petitioner is in custody for a period of 03 months and 12 days. There is no allegation with regard to the

Cr.P.C, the victim had voluntarily left the house.

On instructions from Maninder Kaur, learned State counsel has also affirmed the fact that in the statement under Section 164 Cr.P.C, the victim has not imputed anything specific against the petitioner to indicate that he in any manner exercised any threat, pressure, force and allurement which led the victim to leave her parental house. Furthermore, the version has emerging in the statement under Section 164 Cr.P.C. is to the effect that the family members of the victim gave beatings to her, she got annoyed and left the house with the petitioner.

It may be mentioned here that even in the statement of the victim under Section 164 Cr.P.C, there is no allegation with regard to sexually exploiting the victim in any manner and it has also not been disputed during the course of hearing that the challan has been presented only under Section 363/366-A IPC. The petitioner is in custody for a period of 03 months and 12 days and is not involved in any other case.

The investigation of the case is complete, challan has already been presented and the conclusion of the trial is likely to take sometime. As such, no fruitful purpose will be served by detaining the petitioner in further custody and sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

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.

09.03.2022
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(VIVEK PURI)
JUDGE

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