

JAGSIR SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. J.S.Dhaliwal, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.
Mr. Nagar Singh, Advocate for the complainant.

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VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 206 dated 22.12.2021 under Sections 363, 366-A IPC, registered at Police Station Sardulgarh, District Mansa.

Briefly, the allegations are to the effect that the victim, whose date of birth is 11.11.2005 went missing from the house on 25.05.2021. Consequently, the FIR was lodged at the instance of her father on 22.12.2021.

Learned counsel for the petitioner contends that there is a delay of 6 months in lodging the FIR. In her statement recorded under Section 164 Cr.P.C., the victim had specifically and categorically stated that she had voluntarily left the house and the petitioner had not developed any physical relations with her. Furthermore, there is nothing to suggest that the petitioner had exercised any threat, pressure or influence on the victim in any manner. Even she had refused for the medical examination. The petitioner is in custody for a period of 6 months and 22 days and is not involved in any other case. The investigation of the case is complete, challan is presented in the Court.

Learned State counsel, on instructions of ASI Jaswant Singh, has

not assailed the factual aspect of the matter. However, she contends that the offence under Section 366-A has been deleted and offence under Section 366 IPC has been incorporated in the challan.

It is significant to note that there is a delay of about 6 months in lodging the FIR. The victim has not imputed any allegation against the petitioner with regard to any threat, pressure or influence exercised upon her. She had voluntarily left the house and even there is no allegation with regard to sexual abuse. The investigation of the case is complete, the challan has been presented in the Court and the conclusion of trial is likely to take some time. The petitioner is in custody for a period of 6 months and 22 days and is not involved in any other case. No fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed. However, it is clarified that this order shall also be construed to have been passed with regard to the offence under Section 366 IPC.

15.07.2022

Janki

**(VIVEK PURI)
JUDGE**

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