

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH
(220)

CRM-M-5072-2022
Date of decision:- 11.07.2022

Bobby Singh @ Boby Singh @ Bobey ... Petitioner
Versus
State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sumeet Singh Brar, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of post-arrest bail in case FIR No.0167 dated 07.12.2021, registered for offences under Sections 363, 366-A and 34 of the Indian Penal Code, 1860, at Police Station Sadar Malout, District Sri Muktsar Sahib, Annexure P-1.

FIR, Annexure P-1, has been registered on the statement of father of a 16 ½ year old girl (hereinafter for short “the minor prosecutrix”) on the allegation that his daughter is missing from her paternal home. He suspects that Sunny Singh has enticed her on the assurance of marriage. Kuldeep Singh and Bobby Singh @ Boby Singh @ Bobey (present petitioner), who are the co-villagers of Sunny Singh, have helped in eloping.

Counsel for the petitioner has submits that the minor prosecutrix has been recovered and in her statement recorded under Section 164 of the Code, she has not levelled allegation of sexual assault against any accused. He categorically asserts that she has stated that she went with main accused, Sunny Singh, on her own will. Counsel submits that the two wheeler

allegedly used, belongs to co-accused, Kuldeep Singh. He submits that the challan has been presented, charge has been framed and despite repeated summons, no witness has been examined by the prosecution. He submits that the petitioner, who enjoys a clean past and is in custody since 09.12.2021, deserves to be released on bail.

Per contra, learned State counsel, upon instructions received from ASI Prabhjot Singh, has opposed the petition and has submitted that the petitioner has played an active role. He submits that as the victim is a minor, the petitioner does not deserve the concession of bail. Custody Certificate dated 09.07.2022 has been filed by the respondent-U.T., Chandigarh.

Having heard counsel for the parties, but without examining the merits or demerits of the arguments raised, this Court is of the view that keeping in mind the role attributed to the petitioner and period of incarceration, he deserves to be released on bail.

Petition is allowed.

The petitioner is ordered to be released on bail on his furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

11.07.2022

Kamal

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No