

**230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-12844-2022 (O&M)
Date of Decision: 9.8.2022

Lovepreet Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Rahul Bhargava, Advocate, for the petitioner.

Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

CRM-28231-2022

Annexures P-7 to P-9 are taken on record.

The application stands allowed.

Main case

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.326 dated 22.11.2021, registered under Sections 363, 366 IPC, at Police Station B-Division, District Amritsar.

As per factual matrix of the case, the present complaint was made by Sukhwinder Kaur i.e. mother of the victim (name concealed), wherein it was alleged that on 22.11.2021, she took her daughter from Ajit Vidyalaya School at about 1.30 in the afternoon. Thereafter, at about 3 o'clock Lovepreet Singh @ Lovely Kanda took her daughter i.e. the victim, on the pretext to marry her. Complaint was made to lodge the FIR and to take legal action against the accused. FIR was registered and investigation commenced. The prosecutrix was recovered from the custody of the petitioner on 03.12.2021. Her statement was recorded under Section 164 Cr.P.C. and the petitioner was arrested on 03.12.2021. He approached the

Court of learned Addl. Sessions Judge, Amritsar for grant of bail, who, after hearing the parties, declined the same vide order dated 4.2.2022. Aggrieved by the same, the petitioner has approached this Court by way of filing the present petition for grant of bail.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case. He has submitted that the petitioner and the prosecutrix both were in relationship and, thus, there was no coercion or compulsion from the petitioner for abducting the prosecutrix as alleged in the FIR. He submits that the relationship of the petitioner with the prosecutrix was not acceptable to her mother and hence, false and frivolous FIR was registered against the petitioner. He submits that both of them remained together at public places from the date of missing of prosecutrix i.e. 22.11.2021 till the date of her recovery i.e. 03.12.2021, and had there been any coercion or compulsion from the petitioner, the prosecutrix would have definitely shown her resistance which is totally absent in this case. It is further submitted that after recovery of the prosecutrix on 03.12.2021, her statement under Section 164 Cr.P.C. was recorded in which she has totally denied the allegations in the FIR. She has rather deposed that she went with the petitioner with her own free will and thus, there was no coercion from the petitioner. He submits that after presentation of the challan, charges were framed and the learned trial Court has examined the prosecutrix as PW1 and the complainant as PW3. He submits that the prosecutrix did not support the case of the prosecution and, thus, she was declared hostile. He has submitted that the complainant and the uncle of the prosecutrix are also examined though they have supported the case of the prosecution. He has submitted that the petitioner has no

criminal antecedents, thus, he deserves to be granted bail.

Learned counsel for the State has submitted that the age of the prosecutrix was 17 years 7 months and, thus, was minor being less than 18 years. She candidly acknowledges that the prosecutrix did not support the case of the prosecution neither in the statement recorded under Section 164 Cr.P.C. and nor before the trial court while she was examined as PW1. She also submits that even if, she consented that has no legal sanctity. She submits that out of 17 prosecution witnesses 3 witnesses have been examined.

Heard.

Admittedly, the petitioner and the prosecutrix went missing on 22.11.2021 and the prosecutrix was recovered on 03.12.2021 i.e. after about 12-13 days. During this period, they remained together at public places. Neither she supported the case of the prosecution in her statement recorded under Section 164 Cr.P.C. nor while appearing before the trial Court as PW-1. The other material witnesses i.e. her mother and uncle are also examined though they have supported the case of the prosecution. As the material witnesses already stand examined, probability of the petitioner tampering with the prosecution evidence does not survive anymore. There is nothing on record showing that the petitioner has any criminal antecedents. This Court would refrain itself from commenting anything on the merits of the case, however, considering the prayer for grant of bail to the petitioner, I am of the view that learned counsel for the petitioner has been able to make out a case for grant of regular bail to the petitioner. The trial would take sufficient long time for its conclusion.

Accordingly, the present petition is allowed and the petitioner

is ordered to be released on bail to the satisfaction of the concerned trial Court/Duty Magistrate.

Nothing said herein shall be treated as an expression of opinion on the merits of the case.

9.8.2022		(RAJESH BHARDWAJ)
sharmila		JUDGE
	Whether Speaking/Reasoned :	Yes/No
	Whether Reportable :	Yes/No