

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(107)

CRM-28094-2022 IN/& [CRM-M-16151-2022](#)

Date of decision:- 09.08.2022

Kuldeep Ram

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. K.B.S.Mann, Advocate
for the applicant-petitioner.

Mr. Prabhjot Singh Walia, Assistant Advocate General, Punjab.

...

SUVIR SEHGAL, J. (ORAL)

CRM-28094-2022

For the reasons given in the application, it is allowed.

Date of hearing of the main case is advanced from 17.10.2022 to
today and it is ordered to be taken on Board.

[CRM-M-16151-2022](#)

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 FIR No.167 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.

FIR has been registered on the statement of father of a 16½ 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 pretext of marriage. Kuldeep Singh (present petitioner) and Bobby Singh @ Bobby Singh @ Bobey, who are the co-villagers of Sunny Singh, have helped him in eloping her.

Counsel for the petitioner has submitted 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 father of petitioner. 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 28.12.2021, deserves to be released on bail. Reliance has been placed by him on order dated 11.07.2022 passed in CRM-M-5072-2022, whereby co-accused, Bobby Singh @ Bobby Singh @ Bobey, has been enlarged 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 08.08.2022 has been filed by the respondent-State, which

is taken on record.

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 his 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.

(SUVIR SEHGAL)
JUDGE

09.08.2022
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes