

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

CRM-M-20338-2021

Date of decision : 08.03.2022

Akash Mattu

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Ms. Jasneet Mehra, Advocate
for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

RAJESH BHARDWAJ, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.13 dated 02.03.2021, under Sections 363/366 of the Indian Penal Code, registered at Police Station Purana Shalla, District Gurdaspur.

As per factual matrix of the case, the present FIR was registered by mother of the victim. The sum and substance of the allegations in the FIR is that the complainant is mother of the victim, who was 15 years of age and her date of birth was 24.08.2005. On 27.02.2021 at about 10:30 PM, her daughter went missing from home and they kept on searching her but despite best efforts, failed to trace her. Later on, they came to know that her minor daughter had been enticed away by Akash Mattu i.e. the petitioner on the fake promise of marriage. It was requested that legal action be taken against the culprit. The investigating agency commenced the investigation and the petitioner was arrested on 04.03.2021. He approached the learned Additional Sessions Judge, Gurdaspur praying for grant of bail under Section 439 Cr.P.C., who after hearing counsel for the parties, declined the same vide

order dated 07.04.2021. Aggrieved by the same, the petitioner has approached this Court praying for grant of regular bail.

Learned counsel for the petitioner has submitted that petitioner is a young boy of 20 years of age and he was in relationship with the alleged victim. She submits that as per allegations, the victim went missing from home since 27.02.2021 and she was recovered on 03.03.2021 from the custody of the petitioner. It is submitted that the innocence of the petitioner is apparent from the fact that the statement of the victim was recorded under Section 164 Cr.P.C. before the learned Judicial Magistrate Ist Class, Gurdaspur wherein she deposed that neither she had been kidnapped by the petitioner nor any wrong act had been done with her. However, as the victim went in custody of her parents, she was compelled to depose against the petitioner and it is only on that account, the petitioner is being prosecuted in this case. She submits that the petitioner is behind the bars since 04.03.2021 and virtually half of the prosecution witnesses have already been examined including all the material witnesses i.e. the victim and her mother. She submits that petitioner has never been involved in any of the heinous offences of like nature earlier and there is no apprehension whatsoever for tampering with the evidence before the trial Court as the material witnesses already stand examined. She submits that in the facts and circumstances of the case, petitioner deserves to be enlarged on bail.

On the other hand, learned State counsel opposes the submissions made by counsel for the petitioner. She submits that the victim is a minor and her consent has no legal sanctity. However, she submits that in all, there are 14 prosecution witnesses and out of which, 06 witnesses already stand examined including all the material witnesses.

I have heard learned counsel for the parties and perused the records.

Petitioner, who is a young boy of 20 years of age, is behind bars since 04.03.2021 and the prosecutrix deposed in her statement under Section 164 Cr.P.C. that no offence has been committed by the petitioner. However, later on, she has deposed against him after going to the custody of her parents. As per learned State counsel, out of 14 prosecution witnesses, 06 witnesses already stand examined.

The trial of the case will take sufficient time and no useful purpose will be served by keeping the petitioner in custody for such a long time. This Court would refrain itself from commenting anything on the merits of the case. However, confining to the prayer made for grant of bail and keeping in view the abovesaid facts, this Court finds that learned counsel for the petitioner has succeeded in making out a case for grant of regular bail. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds 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.

08.03.2022
m. sharma

(RAJESH BHARDWAJ)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No