

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

CRM-M-21014-2022

Date of Decision: 10.8.2022

Guraditta Singh

..... Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Impinder Singh Dhaliwal, Advocate, for the petitioner.
Ms. Sakshi Bakshi, Assistant Advocate General, Punjab.

Rajesh Bhardwaj, J. (ORAL)

Prayer in the present petition is for the grant of regular bail to the petitioner in a case FIR No.185 dated 13.9.2021, registered under Sections 363, 366-A IPC, at Police Station City Malout, District Sri Muktsar Sahib.

Succinctly, the facts of the case are that the FIR was lodged by Jatinder Kumar, i.e. father of the victim. The sum and substance of the allegations is that his younger daughter i.e. the victim was aged about 15 years. On 9.9.2021, at about 4:20 pm, when they were sleeping his daughter went to the bathroom, however, thereafter when she did not come back, they went to check and found her not present there. They searched everywhere, however, failed to trace her. Thereafter, they suspected that their daughter has been enticed away by Guraditta Singh, i.e. the petitioner. Request was made to take legal action against the culprit. On registration of the FIR, the investigation commenced. During the investigation, the victim was recovered from the custody of the petitioner on 18.9.2021. Statement of the prosecutrix was recorded under Section 164 Cr.P.C. and the petitioner was arrested on the very same day i.e. 18.9.2021. The petitioner approached the

Court of learned Addl. Sessions Judge, Sri Muktsar Sahib for grant of bail, who, after hearing the parties, declined the same vide order dated 30.11.2021. 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 is a young boy of 21 years of age and has been falsely implicated in the present case. He has submitted that the prosecutrix went with the petitioner on 9.9.2021 and recovered on 18.9.2021 after about 9 days and during this period they remained together at public places and there was no resistance whatsoever from the side of the prosecutrix. He submits that had there been any coercion from the petitioner, they would have never been stayed away together for about 9 days. He has submitted that once the prosecutrix was recovered, she became under influence of her family members that she deposed against the petitioner in her statement under Section 164 Cr.P.C. To buttress his arguments, he has submitted that now the prosecutrix and her parents have been examined by the trial Court as PW-1 (father), PW-2 (mother) and PW-3 (victim) and they have not supported the case of the prosecution and hence, they turned hostile. He submits that as the material witnesses already turned hostile, the prosecution has no authenticated evidence against the petitioner. He submits that the petitioner has no criminal antecedents and thus, he deserves to be granted bail.

Learned counsel for the complainant has opposed the submissions made by learned counsel for the petitioner. She submits that even if there is consent on the part of the prosecutrix, she is minor and thus, her consent has no legal sanctity. However, she candidly acknowledges that

all the material witnesses have not supported the case of the prosecution. She also endorsed that there is nothing on record showing that the petitioner has any criminal antecedents.

Heard.

Both the petitioner and the prosecutrix went missing on 9.9.2018 and thereafter, recovered on 18.9.2021. During this period, they remained together at public places and thereafter, the prosecutrix and their parents appeared before the trial Court and did not support the case of the prosecution. There is nothing on record showing that the petitioner has any criminal antecedents. The veracity of the allegations would be evaluated by the trial Court only after conclusion of the trial. The trial would take sufficient long time for its conclusion. 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.

10.8.2022
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Whether Speaking/Reasoned :
Whether Reportable :

(RAJESH BHARDWAJ)
JUDGE

Yes/No
Yes/No