

**109+215 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-20923-2022**

Date of Decision: 14.10.2022

Davinder Singh @ Prince

..... Petitioner

Versus

State of Punjab

.....Respondent

**CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present: Mr. Damanjeet Singh Sidhu, Advocate, for the petitioner.

Mr. Karunesh Kaushal, Assistant Advocate General, Punjab.

**Rajesh Bhardwaj, J. (ORAL)**

**CRM-38380-2022**

Annexure P-5 is taken on record.

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.68 dated 23.6.2021, registered under Sections 363 and 366-A IPC, at Police Station Meharban District Ludhiana.

As per factual matrix of the case, the present complaint was made by the grandmother of the victim, wherein it was alleged that her grand daughter i.e. the victim (name concealed) whose date of birth is 23.8.2003, is being brought up by her. She alleged that her grand daughter told her that Prince son of Major Singh used to harass her. On 16.6.2021 at 5:30 pm, when she came back home from market, she found that her grand daughter i.e. the victim was not at home. Her second grand daughter told her that the victim had been taken away by Prince alongwith him. They started searching her but failed to trace her out. It was alleged that her grand

daughter had been allured by Prince on the pretext of marriage. The request was made to take legal action against the accused. On the basis of the complaint, the FIR was lodged and the investigation commenced. On the commencement of the investigation, the victim was recovered after about one year i.e. 5.4.2022. She was produced before the learned Magistrate for recording her statement under Section 164 Cr.P.C. on 18.4.2022. The petitioner was arrested on 5.4.2022. He approached the Court of learned Addl. Sessions Judge, Ludhiana for grant of bail, who, after hearing the parties, declined the same vide order dated 29.4.2022. 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 admittedly the victim went missing from home on 16.6.2021 and thereafter, she was recovered on 5.4.2022. He submits that the petitioner and the prosecutrix remained together for about one year and even today both of them are living together after duly performing marriage. He has submitted that they performed marriage after the prosecutrix having attained the age of majority. He submits that the relationship between the petitioner and the prosecutrix was not acceptable to the family members of the prosecutrix and thus, he was falsely implicated in this case. He further submits that the prosecutrix was produced before the learned Judicial Magistrate for recording statement under Section 164 Cr.P.C., wherein, she specifically exonerated the petitioner. He further submits that now the trial Court has examined the victim as PW-1, wherein, she has specifically deposed that she

has solemnized the marriage with the petitioner on 25.8.2021. He submits that the prosecutrix had refused for her medical examination and she did not supported the prosecution case and as such was declared hostile on the request of learned Public Prosecutor. He submits that the prosecutrix herself has exonerated the petitioner from the allegations made in the FIR. He further submits that the petitioner has no criminal antecedents and in the overall facts and circumstances of the case, he deserves to be granted bail.

On the other hand, learned State counsel has submitted that the prosecutrix was minor at the time of occurrence. She went missing from home on 16.6.2021 and was recovered on 5.4.2022 after about one year. He candidly submits that the prosecutrix did not make any allegations against the petitioner in her statement recorded under Section 164 Cr.P.C. and even while being examined as PW-1 before the trial Court and she has not supported the case of the prosecution. He has submitted that the prosecution has examined 4 prosecution witnesses, out of total 11 witnesses. He submits that as per the instructions provided to him, the petitioner has no criminal antecedents.

Heard.

Evidently, the petitioner and the prosecutrix went missing from home on 16.6.2021 and they remained together for about one year and the victim was recovered on 5.4.2022. On her recovery, she refused to undergo any medical examination and did not make any allegations against the petitioner in her statement recorded under Section 164 Cr.P.C. Even in her statement recorded before the trial Court as PW-1, the victim has not supported the case of the prosecution and thus, was declared hostile. There

is nothing on record to show 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. 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.

14.10.2022  
sharmila

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