

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 276

CRM-M-21906-2022 (O&M)

Date of decision : 26.05.2022

Vishal Kumar

..... Petitioner

VERSUS

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.S.K.Chaudhary, Advocate, for the petitioner.

Ms.Gunkirat Kaur, AAG, Punjab.

Mr.S.K.Arya, Advocate, for respondents No.2 and 3.

DEEPAK SIBAL, J. (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.134 dated 25.08.2021 registered under Sections 363 and 366 IPC at Police Station Division No.2, Pathankot.

The petitioner is being prosecuted for having kidnapped the complainant's minor daughter.

Learned counsel for the petitioner submits that the petitioner, who is a 21 year old boy with no criminal antecedents, has been falsely implicated in this case as he and the complainant's daughter have got married against the complainant's wishes; the matter between the petitioner and the complainant has now amicably been resolved as the complainant has accepted the marriage of the petitioner and his daughter; the petitioner is in custody since 26.04.2022 and that in the light of the afore developments further incarceration of the petitioner is unnecessary.

Learned counsel for the complainant as also the alleged victim has acknowledged the factum of the marriage between the petitioner and the alleged victim as also that now their marriage has been accepted by the complainant.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he has kidnapped a minor girl.

The petitioner is alleged to have kidnapped the alleged victim with whom he has admittedly got married and such marriage has now also been accepted by the complainant-the victim's father.

In the light of the above development as also because the petitioner is a 21 year old boy with no criminal antecedents, this Court is of the opinion that further incarceration of the petitioner is unnecessary.

In view of the above, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Pathankot the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

26.05.2022
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No