

PANKAJ @ TINKU @ PANKAJ JAGGI ... PETITIONER
V/S
STATE OF PUNJAB AND AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vishal Sharma, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Mr. M.S.Saini, Advocate for respondent Nos.2 and 3.

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VIVEK PURI, J. (ORAL)

Custody certificate has been taken on record.

The petitioner is seeking regular bail in case bearing FIR No. 35 dated 16.02.2022 under Sections 363, 366-A IPC, registered at Police Station Model Town, Hoshiarpur.

Briefly, the FIR has been registered on the basis of the statement of the father of one of the victims alleging that his daughter i.e. one of the victims along with his niece were dropped at the school on 08.02.2022. However, both of the victims, who are aged about 14/15 years did not return back. Efforts were made to trace them out. Later on, it emerged that the victims have been allured by the petitioner and co-accused Parbhat and kidnapped them.

Learned counsel for the petitioner contends that the victims have not been recovered from the custody of the petitioner or his co-accused. They returned back of their own. There is a delay of 8 days in lodging the FIR. Furthermore, a compromise has been effected and even in the statements recorded under Section 164 Cr.P.C., both the victims have not imputed anything against the petitioner. The investigation of the case is complete and

challan has been presented in the Court. Moreover, the co-accused namely

Parbhat has been released on bail

Learned State counsel has opposed the bail application mainly on the score that the victims were aged about 14/15 years and the offences are non-compoundable. He has further stated that though co-accused, Parbhat has been released on bail but he has been granted default bail as per proviso to Section 167(2) of Cr.P.C.

Be that as it may, the petitioner is in custody for a period of 2 months and 9 days. Significantly, none of the victims have imputed any allegation against the petitioner in their statements recorded under Section 164 Cr.P.C. The similarly placed co-accused is stated to be on bail. The victims have not been recovered from the custody of the petitioner. Rather they returned back to their house of their own accord. The investigation of the case is complete, challan has been presented in the Court, conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner. Therefore, without making any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing fresh bail bonds/surety bonds to the satisfaction of the concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

The petition is allowed.

(VIVEK PURI)
JUDGE

23.05.2022

Janki

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