

237 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-21523-2022

Date of Decision: 02.08.2022

AKASH KUMAR

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Surjit Singh Swaich, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in case bearing FIR No.196 dated 26.08.2021 under Sections 363/366/366-A/376 IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 (Sections 366/376 IPC and Sections 4 and 6 of the POCSO added later on) registered at Police Station Moti Nagar, Police Commissionerate, Ludhiana, District Ludhiana.

Reply by way of affidavit of Murad Jasvir Singh Gill, Assistant Commissioner of Police, Industrial Area-A, Ludhiana and custody certificate have been placed on record.

Briefly, the FIR has been registered on the basis of the statement of the mother of the victim alleging that the victim was aged about 13 years. On 25.08.2021, she went missing from the house. It was suspected that the petitioner had kidnapped her.

Learned counsel for the petitioner contends that the victim has not supported the prosecution version during the course of trial. Furthermore, the petitioner is in custody for a period of 11 months and 05 days and out of 17 witnesses, only 03 witnesses have examined so far.

Besides, the victim was never medico-legally examined.

Learned State counsel has opposed the bail application on the score that the victim is aged about 13 years.

Be that as it may, the victim during the course of trial has not supported the prosecution version. She has specifically deposed to the effect that the petitioner neither kidnapped nor committed rape upon her. Even the reply placed on record by the learned State counsel indicates that the victim had refused to get her medical examination. The petitioner is in custody for a period of 11 months and 05 days and not involved in any other case. So far, only 03 out of 17 witnesses have been examined. Conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner behind the bars.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaq Magistrate/Duty Magistrate.

02.08.2022
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(VIVEK PURI)
JUDGE

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