

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

(Sr. No. 219)

**CRM-M No.21691 of 2022
Date of decision : 24.05.2022**

Veer Chand

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Ms. Riffi Birla, Advocate for the petitioner.

Ms. Gunkirat Kaur, AAG, Punjab.

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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.145 dated 04.09.2021 registered under Sections 363 and 366-A IPC at Police Station Gidderbaha, district Sri Muktsar Sahib.

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

Learned counsel for the petitioner submits that the petitioner who is 22 years old has been falsely implicated in this case as he was having a love affair with the complainant's daughter which was against the complainant's wishes; the petitioner has no other criminal case pending against him; he is in custody since 05.09.2021; report under Section 173 Cr.P.C. has already been filed by the State and therefore the petitioner is not in a position to influence the investigation; the alleged victim has specifically refused to undergo any medical examination; the alleged victim also appeared before the Magistrate and exonerated the petitioner of the

crime he is accused of; the alleged victim is housed in a Nari Niketan at Jalandhar and that at this stage no useful purpose would be served in further incarceration of the petitioner.

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

The petitioner is 22 years old; he has no other criminal case pending against him; he is in custody since 05.09.2021; report under Section 173 Cr.P.C. has already been filed by the State and therefore the petitioner is not in a position to influence the investigation; the alleged victim has specifically refused to undergo any medical examination and that while appearing before the Magistrate she has also exonerated the petitioner of the crime he is accused of.

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, Sri Muktsar Sahib, 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.

24.05.2022*sunil yadav***(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No