

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

212

CRM-M No.23144 of 2022
Date of decision:01.06.2022

Lovepreet Singh @ Lavi @ Narain Singh ... Petitioner

Vs.

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Tanvir Singh Grewal, Advocate and
Mr. Navkaran S. Sandhu, Advocate
for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of the Code of Criminal Procedure, 1973, for grant of regular bail in case FIR No.232 dated 18.08.2021 registered for offences under Sections 363, 366-A and 120-B of IPC, 1860, at Police Station Lambi, District Sri Mukatsar Sahib, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered by mother of a 17 year old girl on the allegation that she is missing from her home since 12.08.2021 and despite extensive search, she could not be located. It has been alleged that Lovepreet (present petitioner), in connivance with his friends, Nikka and Jitu, have allured her and all the three accused are also missing.

Counsel for the petitioner contends that the complainant as well as prosecutrix have been examined and they have not supported the case of the prosecution. Reference has been made by him to their testimony appended as Annexures P-3 and P-4. Still further, he submits that there is no allegation of sexual assault against the petitioner. He has placed reliance on order dated 17.12.2021, Annexure P-5, whereby co-accused, Rajpreet @ Nikka, has been released on regular bail by this Court. He asserts that the petitioner, who has clean antecedents, and is in custody since 24.08.2021, deserves to be enlarged on bail.

Per Contra, State counsel, upon instructions from ASI Ved Parkash, has opposed the petition and has submitted that the prosecutrix was a minor on the day of her disappearance. He has placed reliance upon the statement of the prosecutrix recorded under Section 164 of Cr.P.C., though he could not deny the fact that there is no allegation of sexual exploitation against the petitioner. As per his instructions, 02 out of 21 prosecution witnesses have been examined.

Having considered the submissions made by counsel for the parties, this Court is of the *prima facie* view that the complicity of the petitioner in the offence would remain controvertible before the trial court and the petitioner, who is in custody for the last more than 09 months, would be entitled to be released on bail as the trial is at the initial stage.

Without adverting to the merits or de-merits of the arguments addressed by counsel for the parties, petition is allowed. Petitioner is ordered to be released on bail on furnishing heavy bail/surety bonds to

the satisfaction of the Trial Court/Duty Magistrate concerned.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

01.06.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No