

LOVEJEET SINGH

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sunny K. Singla, Advocate for the petitioner.
Ms. Ruchika Sabherwal, AAG Punjab.

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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. 152 dated 25.09.2021 under Sections 363, 366-A IPC, registered at Police Station Amargarh, District Malerkotla.

Briefly, the FIR has been registered on the basis of the statement of the brother of the victim alleging that the date of birth of the victim is 07.12.2004. She went missing from the house on 23.09.2021.

Learned counsel for the petitioner contends that the petitioner along with the victim had preferred a petition in this Court seeking protection to their life and liberty and the same was disposed of in terms of the order dated 07.04.2022 passed in CRWP-3199-2022. The victim as well as the parents of the victim have agreed that the marriage of the victim shall be solemnized with the petitioner after she attains the age of majority. Even the victim had made a statement to the effect that the petitioner never abducted or kidnapped her and has not committed any wrong act with her, in the Court below at the time when the application for bail was pending.

Learned State counsel has opposed the bail application only on the score that the victim was aged less than 18 years at the time of occurrence. However, on instructions of ASI Inderjit Singh, it has been fairly conceded that the victim has not attributed any allegation with regard to kidnapping against the

petitioner in her statement recorded under Section 164 Cr.P.C. She has only testified to the effect that she intends to solemnize marriage with the petitioner and wants to reside with him.

It has not been disputed that presently the victim is residing with her parents. She has not levelled any allegation with regard to any allurements, threat or pressure against the petitioner when she left the house. Moreover, the victim and her parents intend to solemnize marriage of the victim with the petitioner after she attains the age of majority. Even the victim has made a statement in the Court below during the pendency of the bail application that the petitioner neither kidnapped nor abducted her and also had not committed any wrongful act with her. Her brother (who lodged the FIR) wants to solemnize her marriage with another person due to greed of money as he is drug addict. The arrest of the petitioner was effected on 11.04.2022. His custodial interrogation is over and he has been remanded to judicial custody. The conclusion of investigation and presentation of challan 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.

31.05.2022
Janki

(VIVEK PURI)
JUDGE

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