

ROMI @ ROMAS

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Hitesh Chopra, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, AAG, Punjab.

VIVEK PURI, J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Romi @ Romas-petitioner is seeking regular bail in the case bearing FIR No.140 dated 16.07.2021 under Sections 363/366 IPC, 1860, registered at Police Station Sujanpur, District Pathankot.

Briefly, the FIR has been registered on the basis of the statement of the father of the victim who is aged about 16 years and 03 months alleging that on 15.07.2021, she was missing from the house.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the instant case. The petitioner is in custody for a period of 10 months and 17 days and the victim has not imputed any allegation against him in her statement under Section 164 Cr.P.C.

The bail has been resisted on the score that there are serious allegations levelled against the petitioner and the age of the victim was less than 18 years. However, it has not been disputed that in the statement recorded under Section 164 Cr.P.C, she has not imputed any allegation against the petitioner.

In the statement under Section 164 Cr.P.C, the victim has not levelled any allegation of allurement, threat or pressure which may have been exercised upon her by the petitioner when she left the house. It has also been stated that she left the house of her own wish and desire. She was having friendly relation with the petitioner and wanted to stay with him. It has also not been disputed that the victim has refused for her medical examination. The petitioner is in custody for a period of 10 months and 17 days. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. The investigation of the case is over and the challan has been presented in the Court. Out of 16, 03 witnesses have been examined. As such, the conclusion of the trial is likely to take sometime and no fruitful purpose will be served by detaining the petitioner in further custody. Accordingly, sufficient mitigating circumstances are made out to extend the concession of the bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

02.06.2022
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(VIVEK PURI)
JUDGE

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