

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(225)

CRM-M-28500-2022

Date of decision:- 09.08.2022

Mangal Singh alias Mangal Ram

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Gopal Singh Nahel, Advocate
for the petitioner.

Mr. A.S.Gill, Senior DAG, Punjab
for State-respondent.

SUVIR SEHGAL, J. (ORAL)

Instant petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short “the Code”) seeking grant of post-arrest bail in case FIR No.24 dated 15.02.2022, registered for offences under Sections 363 and 366-A of the Indian Penal Code, 1860, at Police Station Moonak, District Sangrur, Annexure P-1.

Version of the prosecution is that FIR, Annexure P-1, has been registered on the statement of mother of a 16 year old girl (for short “the prosecutrix”) on the allegation that she has been enticed by Mangal Singh @ Mangal Ram, present petitioner, on the pretext of marriage. It has been alleged that the prosecutrix has taken her Birth Certificate as well as Aadhar Card along with her, though there is no theft of cash or jewelry.

Counsel for the petitioner submits that the allegations levelled in the FIR against the petitioner are false and the prosecutrix had left her paternal home of her own accord. It is his argument that there is an unexplained delay of four days in the lodging of the FIR. He asserts that the petitioner, who has a clean past and is in custody since 16.03.2022, is entitled to be enlarged on bail as investigation has been completed.

Per contra, learned State counsel, upon instructions from ASI, Sanjeev Kumar, has opposed the petition and has filed Custody Certificate dated 08.08.2022, which is taken on record. In compliance of order dated 12.07.2022 passed by this Court, State counsel has filed a status report, which is taken on record and has submitted that on 28.02.2022, the prosecutrix was produced by the complainant, her statement was recorded under Section 164 of the Code, wherein she stated that she left her paternal home on her own and that no wrong act has been committed with her. Still further, State counsel submits that the prosecutrix has refused to get herself medically examined. As per his instructions, charge has been framed, but no witness has been examined.

Having heard counsel for the parties, but without adverting to the merits or demerits of the arguments addressed, this Court is prima facie of the view that the complicity of the petitioner in the crime would remain a subject matter of debate before the Trial Court. The petitioner, who is a young man of 24 years of age with an unblemished past and is in custody for the last almost five months, would be entitled to be released on bail during the pendency of the trial.

Petition is allowed.

Petitioner is ordered to be released on bail during the pendency of trial, on furnishing adequate bail/surety bonds to the satisfaction of the Area Magistrate/Duty Magistrate concerned.

It is clarified that nothing said hereinabove shall be construed to be an expression of opinion on the merits of the case.

(SUVIR SEHGAL)
JUDGE

09.08.2022
Kamal

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