

216 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 26.08.2022
CRM-M-31161-2022

RAJ KUMAR AND ANOTHER ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT
CRM-M-34474-2022

MOHIT @ MOHIT SHARMA @ MOHITA ... PETITIONER
VS.
STATE OF PUNJAB .. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Anshul Sharma, Advocate for
Mr. Satnam Singh Thakur, Advocate
for the petitioners in CRM-M-31161-2022.

Mr. Piyush Khanna, Advocate
for the petitioner in CRM-M-34474-2022.

Mr. Harpreet Singh, Additional A.G.Punjab.

VIVEK PURI, J.(ORAL)

The petitioners are seeking regular bail in case bearing FIR
No.33 dated 18.03.2022 under Sections 363/366-A and 120-B IPC
registered at Police Station Sadar, District Hoshiarpur.

Custody certificates have been placed on record.

Briefly, the FIR has been registered on the allegations that the
victim, aged about 17½ years, had left for the school on 04.0.2021 but did
not return back. It has been alleged in the FIR which has been lodged by the
father of the victim that Abhay Sharma @ Navshok @ Abhishek had
kidnapped the victim. Even at the earlier instance, the FIR bearing No. 130
dated 05.08.2021 under Sections 363 and 366 IPC was registered at Police
Station Sadar, Hoshiarpur and, thereafter, the victim was recovered.
Subsequently, the victim has been again kidnapped.

Learned counsel for the petitioners contend that Raj Kumar and Kirna-petitioners are the uncle and aunt of Abhay Sharma, whereas, petitioner-Mohit @ Mohit Sharma @ Mohita is his brother. None of the petitioners was arraigned as accused in the earlier FIR bearing No. 130 dated 05.08.2021. The allegations against the petitioners are to the effect that they had extended helping hand to Abhay Sharma in kidnapping of the victim. Furthermore, similar allegations have been levelled against Mandeep Kumar @ Manni, who is the son of Raj Kumar and Kirna, petitioners, has been granted anticipatory bail in terms of the order dated 18.08.2022 passed by this Court in CRM-M-27477-2022. It has been further stated that at the earlier instance, Abhay Sharma and victim had approached this Court by filing CRWP-7742-2021 for protection of their life and liberty which has been disposed of in terms of order dated 16.09.2021. The said order also indicates that the statement of the victim was also recorded wherein she had categorically stated that she was being harassed by her parents as they wanted to solemnize her marriage with widower. Earlier, she was sent to Nari Niketan and therefrom she was sent back to her parental house. Subsequently, she has again gone missing from the house.

Learned State counsel has opposed the bail application on the score that there is categoric and specific allegation against the petitioners with regard to commission of offence and extending helping hand to Abhay Sharma in kidnapping of the victim and victim is yet to be recovered.

It may be mentioned here that similarly placed co-accused, namely, Mandeep Kumar @ Mani has been granted pre-arrest bail. The statement of the victim which was recorded and find mention in the order dated 16.09.2021 passed in CRWP-7742-2021 indicates that the victim was

reluctant to go to her house as she was being harassed by her parents and she was apprehending that her marriage will be solemnized with a widower. Custody certificates indicate that petitioners- Raj Kumar and Kirna are in custody for a period of 05 months and 02 days and petitioner-Mohit @ Mohit Sharma @ Mohita is in custody for a period of 04 months and 22 days. They are not involved in any other case. The custodial interrogation of the petitioners is over and challan qua them has already been presented in the Court. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioners behind the bars.

In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioners are ordered to be released on bail, subject to their furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

26.08.2022
smriti

(VIVEK PURI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No