

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(234)

CRM-M-34508-2022

Date of decision:- 06.12.2022

Mohit Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vishal Sodhi, Advocate
for the petitioner.

Mr. Ferry Sofat, Addl.A.G., 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.405 dated 26.12.2021, registered for offences under Sections 363 and 366 of the Indian Penal Code, 1860, at Police Station Civil Lines, Patiala, Annexure P-1.

Case of the prosecution is that FIR, Annexure P-1, has been registered on the statement of father of a 17 year old girl (hereinafter referred to as “the prosecutrix”) on the allegation that his daughter, whose

date of birth is 22.11.2004, has been enticed by Mohit Kumar, present petitioner, on the pretext of marriage. Mohit Kumar compelled her to register a case against her family, so that they could solemnize the marriage. Lal Chand informed the complainant about the allurement by the petitioner and with the help of residents of the locality, he brought his daughter back.

Counsel for the petitioner has argued that although allegations of allurement have been levelled against the petitioner, but in her testimony neither the prosecutrix nor the complainant has supported the case of the prosecution. He has made a reference to their deposition and has submitted that as both the star witnesses have been examined, further detention of the petitioner is not justified. It is his specific case, that the petitioner and prosecutrix had come in contact with each other on social media and the prosecutrix willingly went with the petitioner.

Per contra, learned State counsel, upon instructions from ASI, Gurpiar, has opposed the petition and submits that the prosecutrix has supported the allegations in her statement recorded under Section 164 of the Code, though he could not dispute the testimony of both the examined witnesses. Still further, he submits that thirteen more witnesses are to be examined by the prosecution.

Having considered the submissions made by 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 involvement of the petitioner in the alleged offence would remain controvertible before the Trial Court. Petitioner, who is in detention for the last more than nine

months, deserves to be enlarged on bail as the trial is not likely to be concluded in the near future.

Petition is allowed.

Petitioner is ordered to be released on bail 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

06.12.2022

Kamal

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