

PANCHU KASHYAP

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sunny K. Singla, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 62 dated 18.02.2022 under Sections 363, 366-A, 120-B IPC, registered at Police Station City-I, District Malerkotla.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the basis of the statement of the mother of the victim alleging that the victim is aged about 14 years and she went missing from the house on 15.02.2022. Later on, the complainant came to know that the petitioner had enticed her and taken her on the pretext of solemnizing marriage.

Learned counsel for the petitioner contends that there is a delay of 3 days in lodging the FIR. In her statement under Section 164 Cr.P.C., the victim has not attributed any allegations with regard to threat, pressure or allurement exercised upon her or sexual assault against the petitioner. The investigation of the case is complete and challan has been presented in the Court. The petitioner is in custody for a period of 6 months and 22 days and is not involved in any other case.

Learned State counsel has opposed the bail application on the score that there are serious allegations levelled against the petitioner and the victim is aged about 14 years.

It may be mentioned here that in her statement under Section 164 Cr.P.C., the victim has not attributed any allegations with regard to threat, pressure or allurement exercised upon her or sexual assault against the petitioner. The investigation of the case is complete, the challan has been presented in the Court. The petitioner is in custody for a period of 6 months and 22 days and is not involved in any other case. The conclusion of trial is likely to take some more 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.

15.09.2022

Janki

**(VIVEK PURI)
JUDGE**

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