

NEERAJ KUMAR

... PETITIONER

V/S

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. M.S.Rana, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. A.G. Punjab.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 190 dated 15.11.2021 under Sections 363, 366 IPC, registered at Police Station Haryana, District Hoshiarpur.

Custody certificate has been placed on record.

Briefly, the FIR has been registered on the basis of the statement of the father of the prosecutrix alleging that the victim is aged about 16½ years and she went missing from the house on 11.11.2021.

Learned counsel for the petitioner contends that the victim has not imputed any allegation against the petitioner in her statement recorded under Section 164 Cr.P.C. with regard to commission of offence under Sections 363 and 366 IPC. The investigation of the case is complete, challan has been presented and charge has been framed under Sections 363 and 366 IPC. Furthermore, the victim was not medico-legally examined after she was recovered.

Learned State counsel has opposed the bail application on the

score that the victim was minor and has been recovered on 14.03.2022 from U.P. while she was in the company of the petitioner. However, it has not been disputed that the prosecutrix has not imputed any allegation of kidnapping against the petitioner in her statement recorded under Section 164 Cr.P.C. It has been further submitted that the victim had refused to get herself medico-legally examined.

The custody certificate indicates that the petitioner is in custody for a period of 7 months and 15 days and not involved in any other case. In her statement under Section 164 Cr.P.C., the victim has not imputed any allegation with regard to any threat, pressure and allurement exercised upon her against the petitioner. Even the victim has not been medico-legally examined.

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.

27.10.2022

Janki

**(VIVEK PURI)
JUDGE**

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