

207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41134-2021

Date of Decision: 08.07.2022

ASHWANI SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Kanwar Pahul Singh, Advocate
for the petitioner.

Ms. Ishneet Kaur, AAG, Punjab.

VIVEK PURI, J.(ORAL)

Custody certificate has been placed on record.

Through instant petition, the petitioner is seeking regular bail in case bearing FIR No. 75 dated 30.03.2021 under Sections 363/366-A and 120-B IPC registered at Police Station Lopoke, Amritsar Rural.

Briefly, the FIR has been registered on the basis of the statement of the father of the victim alleging that the victim is aged about 17 years and 09 months. On 29.03.2021, during the night hours, the victim went missing from the house. It was suspected that the petitioner had kidnapped her on the pretext of marriage.

Learned counsel for the petitioner contends that there is no allegation with regard to commission of offence under Section 376 IPC. The statement of the victim has been recorded in the trial Court wherein she has not attributed any allegation against the petitioner. She has specifically and categorically deposed that she never remained in touch with the petitioner, who is already married and had no relation with him. The petitioner had neither allured her nor he had accompanied her. Even she has deposed to the effect that the petitioner never committed rape upon her.

The bail application has been mainly opposed by the learned State counsel on the ground that the petitioner is involved in five other cases.

Be that as it may, the custody certificate indicates that the petitioner is on bail in other cases that have been registered against him. The petitioner is in custody in the instant case for a period of 10 months and 12 days. Furthermore, the victim has not supported the prosecution version and has not incriminated the petitioner with commission of crime. Out of 15, only 03 witnesses have been examined so far. The conclusion of trial is likely of take some time and no fruitful purpose would be served by detaining the petitioner in further in custody.

As such, sufficient mitigating circumstances 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 petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate.

08.07.2022
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(VIVEK PURI)
JUDGE

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