

209 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37315-2022 (O&M)

Date of Decision: 26.08.2022

GAGANJEET SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Jagjot Singh, Advocate, for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking regular bail in case bearing FIR No.118 dated 06.06.2022 under Sections 363 and 366-A IPC registered at Police Station City Sunam, Sangrur.

Custody certificate has been placed on record.

Learned counsel for the petitioner contends that the FIR has been registered on the basis of the statement of the mother of the victim, who is stated to be 15 years old. It has been alleged that on 04.06.2022, the victim went missing from the house and it was suspected that some unknown persons had enticed her on the pretext of solemnizing marriage. It has been further stated that the FIR has been lodged after a delay of two days and the victim was recovered on 06.06.2022 from the fields of the petitioner. Her statement under Section 161 Cr.P.C. was recorded, wherein, she has stated that she had left the house of her own and was on friendly terms with the petitioner. Though, she remained with the petitioner but it has been categorically and specifically stated that he did not commit any wrong act with her. The victim was reluctant to go back to her house. Even in her statement under Section 164 Cr.P.C., it has stated that she had gone to the petitioner of her own free consent and no force was used against her.

Learned State counsel has not disputed the aforesaid factual aspects, but has opposed the bail application on the score that the age of the victim is 15 years.

It may be mentioned here that there is no allegation with regard to any threat, pressure or allurement exercised by the petitioner on the victim. It has also not been disputed that the victim had refused to get herself medico-legally examined. Furthermore, the investigation of the case is complete and challan has already been presented. The custody certificate indicates that the petitioner is in custody for a period of 02 months and 19 days and not involved in any other case. The conclusion of trial is likely to take some and no fruitful purpose will be served by detaining the petitioner 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 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//Duty Magistrate.

26.08.2022
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(VIVEK PURI)
JUDGE

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