

**220 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CRM-M-45509-2021**

**Date of decision : 27.07.2022**

**Rajveer Singh**

**..... Petitioner**

**Versus**

**State of Punjab**

**..... Respondent**

**CORAM : HON'BLE MR.JUSTICE RAJESH BHARDWAJ**

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Present: Mr. B.S. Aulakh, Advocate for the petitioner.

Ms. Sakshi Bakshi, AAG, Punjab.

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**RAJESH BHARDWAJ, J. (Oral)**

The present petition has been filed under Section 439 Cr.P.C. by petitioner Rajveer Singh seeking grant of regular bail in case FIR No.94 dated 27.06.2021, registered under Sections 363, 366-A of IPC at Police Station Gidderbaha, District Sri Muktsar Sahib.

As per facts of this case the present FIR was lodged on the statement of Gurjit Singh i.e. father of the victim who stated therein that he has three children out of which two are daughters and one is son. On the day of occurrence when the family was sleeping in the courtyard, his daughters were sleeping with his mother in the courtyard. She found that the victim younger daughter missing. They tried to search her, however, failed to search her. It was suspected that his daughter was enticed away by Rajveer Singh son of Dara Singh. On the basis of the complaint, the FIR was lodged and the investigation commenced. The victim was

recovered and her statement was recorded under Section 164 Cr.P.C. on 27.06.2021. The petitioner was arrested on the same date i.e. 27.06.2021. He approached the learned Additional Sessions Judge, Sri Muktsar Sahib praying for the grant of bail. After hearing both the parties the learned Additional Sessions Judge, Sri Muktsar Sahib declined the same vide order dated 14.09.2021

Aggrieved by this, the petitioner has approached this Court for grant of regular bail.

Learned counsel for the petitioner vehemently contends that the petitioner is a young boy of 19 years of age. He submits that in the facts and circumstances of the case it is apparent that both the victim and the petitioner have a love affair and there cannot be any coercion on the part of the petitioner in forcing the prosecutrix to elope with him. He submits that the petitioner is facing the charges for taking away the minor from the custody of her guardian and there is no allegations regarding the sexual exploitation of the victim. He submits that the petitioner is at the threshold of his life and has no criminal antecedents. To buttress his argument he submits that the victim has been examined as PW-2 by the trial Court and she has not supported the case of the prosecution. He submits that on the request of the public prosecutor she has been declared hostile. He submits that as the prosecutrix herself does not supported the case of the prosecution, the false implication of the petitioner is writ large. He submits that as the victim already stands examined hence there cannot be any apprehension projected against the petitioner for tampering with the prosecution evidence. He submits that the petitioner has no criminal antecedents and he has been prosecuted in this case in a deliberated manner and hence in the facts and circumstances of the present case the

petitioner deserves to be granted bail.

Learned State counsel opposed the submissions made by learned counsel for the petitioner and she submits that the victim in this case is minor and there are specific allegations against the petitioner. She submits that the statement of the victim was recorded under Section 164 Cr.P.C. She supported the case of the prosecution alleging that the petitioner forcibly took her to abandoned house, however, she candidly acknowledge that the prosecutrix during the trial has not supported the case of the prosecution. She further submits that as on date 23 prosecution witnesses only 02 are examined.

Heard.

Admittedly the prosecutrix is less than 18 years of age and the petitioner is 19 years of age. The victim was allegedly enticed away on 26.06.2021 and she was recovered on 27.06.2021. During the course of trial the victim has been examined by the trial Court and she has not supported the case of the prosecution. There is nothing on record to show that the petitioner has any criminal antecedents. Out of 23 prosecution witnesses only two witnesses are examined. The veracity of the allegations would be assessed by the trial Court on the basis of evidence to be produced before it by the parties.

In the totality of the facts and circumstances of the case when the trial of the case will take sufficient time to conclude and thus no useful purpose will be served by keeping the accused in custody for such a long period, I find that learned counsel for the petitioner succeeds in making out a case for grant of bail.

The present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of

the trial Court/Duty Magistrate. Nothing said herein shall be treated as an expression of opinion on the merits of the case.

( RAJESH BHARDWAJ )  
JUDGE

27.07.2022

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