

203 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52850-2021
Date of Decision: 02.02.2022

Lovepreet Singh @ Sony Singh ... Petitioner

v/s

State of Punjab and others ... Respondents

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Deepak Goyal, Advocate for the petitioner.

Ms. Ruchika Sabherwal, AAG Punjab.

Mr. Yogesh Goel, Advocate for
Mr. Vishal Dhiman, Advocate for respondents No.2 and 3.

*(The case has been taken up through video conferencing on
account of Covid-19 pandemic)*

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VIVEK PURI, J. (ORAL)

Custody certificate and reply way of affidavit of Sukhraj Singh,
Deputy Superintendent of Police, Sub Division Sunam, District Sangrur has
been taken on record.

Lovepreet Singh @ Sony Singh-petitioner is seeking regular
bail in case bearing FIR No. 303 dated 23.12.2020 under Sections 363, 366-
A IPC, registered at Police Station City Sunam, District Sangrur.

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
17 years and student of 9th standard in Govt. Girls School, Peeran Wala
Gate, Sunam. Due to lockdown, the victim was taking online classes and the
mobile phone used to remain with her all the time.

It has further been alleged that the petitioner had allured the victim for marriage and had run away with her.

Learned counsel for the petitioner contends that complainant i.e. mother of the victim had sworn an affidavit to the effect that she never got recorded the FIR against the petitioner and her signatures were procured on blank papers. Furthermore, in the statement under Section 164 Cr.P.C., the victim had stated that she had gone with the petitioner voluntarily and was never forced to do so. She wants to stay with him or she may be sent to jail. She does not want to reside with her parents and false case has been registered against the petitioner.

It has further been stated that the victim did not get herself medically examined and there is no allegation with regard to commission of sexual intercourse.

Learned State counsel, on instructions of ASI Gurbhajan Singh, has not assailed the factual aspect of the matter but has opposed the bail application on the score that the victim was recovered while she was in the company of the petitioner.

It may be mentioned here that learned counsel appearing for respondent Nos. 2 and 3 has also categorically stated that he has no objection if the bail is granted to the petitioner.

It is significant to note that in the subsequent affidavit, the mother of the victim has sought to dispute the involvement of the petitioner in the commission of crime. Moreover, there is specific statement under Section 164 Cr.P.C. of the victim that she had voluntarily left the house with the petitioner. Her statement does not indicate that any force, pressure or allurement was exercised by the petitioner upon her which forced her to

leave the house. Even the victim was not medically examined. The investigation of the case is complete and the conclusion of trial is likely to take some time, the petitioner is in custody for a period exceeding 5 months and is not involved in any other case. The victim is also stated to be presently residing in her parental house. 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.

02.02.2022

Janki

**(VIVEK PURI)
JUDGE**

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