

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

205

CRM-M-52449-2021

Date of decision:25.02.2022

Ajay Kumar @ Kachu @ Chaku
Vs.

... Petitioner

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Digvijay Nagpal, Advocate for the petitioner.

Mr. Prabhjot Singh Walia, AAG, Punjab.

SUVIR SEHGAL J. (ORAL)

This is the first petition filed by the petitioner under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.59, dated 20.04.2021 registered for offences under Sections 363 and 366-A of IPC, 1860, at Police Station Jaitu, District Faridkot, Punjab, Annexure P-1.

As per the case of the prosecution, FIR, Annexure P-1, has been registered on the statement of the mother of a 17 years old girl (for short - "the prosecutrix"), on the allegation that her daughter, who is a secondary school student, has been missing from home since 14.04.2021. She suspects that Ajay Kumar @ Kachu @ Chaku (present petitioner) has enticed the prosecutrix, on the pretext of marriage.

Counsel for the petitioner submits that though the mother of the prosecutrix has alleged that the petitioner has allured her daughter, yet in her statement under Section 164 Cr.P.C., the prosecutrix has stated that she left her paternal home of her own volition and there was no pressure on her. By referring to the testimony of the prosecutrix as well as that of the complainant and other material witnesses, counsel for the petitioner submits that they have not supported the case of the prosecution. He urges that the petitioner, who is in incarceration since 20.04.2021, deserves to

be enlarged on bail as he is no longer required for custodial interrogation.

Per Contra, State counsel, upon instructions from ASI Sukhwinder Singh, has opposed the petition and submits that there are specific and categoric allegations against the petitioner of having enticed a minor. He submits that the petitioner does not enjoy a clean past and does not deserve to be released on bail. He has filed custody certificate dated 24.02.2022, which is taken on record.

Having considered the facts and circumstances of the case, the Court is *prima facie* of the view that the petitioner is entitled to be released on bail as he is in custody for more than ten months, all the material witnesses have been examined and the trial is likely to take time to conclude.

Without examining the arguments addressed by the counsel for the parties, the petition is allowed. The petitioner is ordered to be released on bail on furnishing heavy bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

Considering the fact that the petitioner has a criminal past, he will file an undertaking before the trial court that henceforth, he will not indulge in any criminal activity and, in case, he violates the undertaking, liberty is granted to the State to seek cancellation of bail.

It is clarified that any observation made hereinabove shall not be construed to be an expression of opinion on the merits of the case.

25.02.2022
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No