

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

(221)

CRM-M-52514-2021
Date of Decision: 01.08.2022

Jiwan Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Kulwinder Singh, Advocate for the petitioner.

Mr. Rakeshinder Singh Sidhu, A.A.G., Punjab.

RAJESH BHARDWAJ.J (Oral)

The present petition has been filed under Section 439 Cr.P.C seeking the benefit of regular bail to the petitioner in case FIR No.163 dated 5.6.2021 under sections 363, 366, 366-A, 511, 120-B I.P.C registered at Police Station, Sadar Mansa, District Mansa.

As per factual matrix, the FIR in question was lodged by Angrej Singh. It was alleged that he had six children and the youngest daughter was studying in 10th Class in Govt. School, Dhinger. On 4.6.2021 when they were sleeping, he found his daughter missing. They made best of the efforts, however, failed to trace her. Later on they came to know that one boy namely Jiwan Singh had kidnapped their daughter with intention to marry her. They reached the Railway Station, Bathinda where on seeing them Jiwan Singh fled away leaving their daughter behind. FIR was lodged to take legal action against the culprit.

Investigation commenced and the petitioner was arrested on 5.6.2021. He approached learned Addl. Sessions Judge, Mansa for grant of

bail, however, after hearing the parties, the same was declined vide order dated 23.11.2021. Aggrieved by the same petitioner has approached this court for grant of bail.

Learned counsel for the petitioner vehemently contends that petitioner has been falsely implicated in the present case. He is a young boy of 19 years and has no criminal antecedents. Counsel submits that statement of the prosecutrix under section 164 Cr.P.C was recorded wherein she deposed that on 4.6.2021 at about 11 PM she went with Jiwan Singh with her own free will and he did not commit anything wrong with her. It was further alleged that after running from home they went to a Gurudwara and from where police took them to Mansa. She further deposed that no action should be taken against Jiwan Singh as she had gone with him with her own free will. Counsel submits that there are total three accused in this case and rest of the two accused are on bail. Counsel submits that prosecutrix has been examined by the Trial Court, where she has supported the case of the prosecution, however, same is under the compulsion of the family members. He submits that as the prosecutrix has already been examined there cannot be any apprehension with regard to the petitioner having influenced the prosecution witnesses and therefore he deserves to be granted bail.

On the other hand, learned State counsel has submitted that the prosecutrix is a minor. She has been examined by the Trial Court and she has supported the case of prosecution. It is however admitted that the petitioner has no criminal antecedents as he is not involved in any other

case.

I have heard learned counsel for the parties at length and have gone through the records carefully.

Admittedly, petitioner is behind bars since 5.6.2021. In her statement recorded under Section 164 Cr.P.C prosecutrix had deposed that she went with the petitioner with her own free will. She also deposed that petitioner did not commit any wrong act with her and therefore no action should be taken against him. Admittedly prosecutrix has been examined by the Trial Court. There is nothing on record to show that the petitioner has criminal antecedents and he is involved in any other case. This court would refrain itself from commenting on the merits of the case, as the allegations and counter allegations would be assessed only after evaluation of the complete evidence led by both the sides before the Trial Court. The material witness already stands examined. Rest of the two accused in the case are already on bail. The trial would take sufficiently long time in its conclusion.

In the totality of facts and circumstances and without making any observation on merits, present petition is allowed. Petitioner be enlarged on bail on his furnishing bail/surety bonds subject to satisfaction of Trial Court/Duty Magistrate, concerned. Nothing stated herein shall be treated as an expression on the merits of the case.

(RAJESH BHARDWAJ)
JUDGE

01.08.2022

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