

CRM-M-58072-2022

Date of Decision: 16.12.2022

RAHUL @ RAHUL GILL

... PETITIONER

V/S

STATE OF PUNJAB AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Vipul Aggarwal, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
Ms. Sunita Gupta, Advocate for respondent No. 2.

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VIVEK PURI, J. (ORAL)

The petitioner is seeking regular bail in case bearing FIR No. 239 dated 02.08.2022 under Sections 363, 366 IPC, registered at Police Station City 'B' Division, District Police Commissionerate, Amritsar Rural.

Custody certificate has been taken on record.

Learned counsel for the petitioner contends that the FIR has been lodged on the basis of the statement of the mother of the victim, who is stated to be aged about 17 years, alleging that the deceased has been kidnapped on the pretext of solemnizing marriage. It has been further submitted that in her statement recorded under Section 164 Cr.P.C., the victim has not attributed any allegation of threat, pressure or allurement exercised upon her when she left the home. The dispute has been amicably settled between the parties. The compromise, Annexure P-3 has been effected between the complainant and the petitioner. The victim has solemnized marriage with the petitioner and is residing with his parental family. The petitioner along with the complainant and the victim have also instituted a petition for quashing the FIR on the basis of compromise bearing

CRM-M-53319-2022 which is pending for 18.04.2023. The investigation of the case is complete, challan has been presented in the Court and the petitioner is in custody for a period of 2 months and 11 days and is not involved in any other case.

Learned State counsel has opposed the bail application on the score that the victim was aged about 17 years at the time of occurrence.

It may be mentioned here that the victim has not attributed any allegation of threat, pressure or allurements exercised upon her by the petitioner in her statement recorded under Section 164 Cr.P.C. In the event, the victim is aged less than 18 years and has solemnized marriage with the petitioner, the penal consequences, if any, will follow in accordance with law. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. The petitioner is in custody for a period of 2 months and 11 days and is not involved in any other case. The conclusion of trial is likely to take some more time and no fruitful purpose would be served by detaining the petitioner in further custody.

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.

(VIVEK PURI)
JUDGE

16.12.2022
Janki