

DEEPAK KUMAR

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Armaan Gagneja, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.
2. Deepak Kumar-petitioner is seeking regular bail in the case bearing FIR No.129 dated 05.07.2022 under Sections 363/366-A registered at Police Station Kotbhai, District Sri Muktsar Sahib.
3. Learned counsel for the petitioner contends that the FIR has been registered on the basis of the statement of the brother of the victim alleging that the victim is aged about 16 years went missing from the house in the intervening night of 29/30-06.2022. The FIR has been lodged after a delay of 6 days. In her statement recorded under Section 161 and 164 Cr.P.C., the victim has not attributed any allegation against the petitioner. The petitioner is in custody for a period of one year. The investigation of the case is complete and challan has been presented in the Court.
4. Learned State counsel has opposed the bail application on the score that the victim is 16 years old and at the time of recovery she was in the custody of the

CRM-M-4434-2023**-2-**

submitted that in her statement under Section 164 Cr.P.C, the victim had stated that she had voluntarily left the house with the petitioner and had refused to get herself medico legally examined.

5. In the instant case, the victim has not implicated the petitioner in the statement under Section 164 Cr.P.C. She has not uttered any word to indicate that the petitioner had exercised any pressure, threat, influence upon her or allured her to accompany him. Even, the victim had refused to get herself medico legally examined. The petitioner is in custody for a period of one year. The investigation of the case is complete and challan has been presented in the Court. Till date no witness has been examined. The conclusion of trial is likely to take sometime. No fruitful purpose will 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.

6. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. The petition is allowed accordingly.

06.07.2023

*renubala***(VIVEK PURI)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No