

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

214

**CRM-M No. 9936 of 2023
Date of Decision : 1.3.2023**

Davinder Singh @ Kallu

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Manish Kumar Singla, Advocate and
Mr. Dinesh Kumar, Advocate, for the petitioner

Mr. Kunal Vinayak, AAG, Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.53 dated 22.7.2022 under Sections 363 and 366-A IPC registered at Police Station Bajakhana, District Faridkot.

The FIR was lodged on the complaint submitted by the victim's father alleging that one of her daughters/victim, aged about seventeen years, was taken away by the petitioner on the pretext of getting married. He has not been able to trace her and, therefore, sought legal action against the petitioner.

Learned counsel for the petitioner contends that after completion of investigation, charges were framed against the petitioner on 26.10.2022, but neither the victim, nor her parents have been examined by the prosecution so far. He refers to the orders, Annexures P-2 to P-5, passed by the trial Court to show that despiteailable warrants having been issued against the three, they have not testified in the case.

Learned State counsel, on instructions from ASI Kewal Singh, opposes the grant of bail and submits that trial of the case is going on, and six

out of twenty seven witnesses have already been examined. He does not dispute that despiteailable warrants having been issued, neither the complainant, nor the victim or her mother have appeared before the trial Court to testify. It is also not in dispute that medical examination of the victim was refused by her as well as her parents.

Keeping in view the facts aforestated, it is apparent that the material witnesses, complainant as well as her parents, are not coming forward to testify and the petitioner remains in custody since 2.8.2022. It is not desirable to keep him in custody any longer as trial will take a long time to conclude; over twenty witnesses are still to be examined.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

1.3.2023
Ashwani

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