

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

Sr. No.: 227

Criminal Miscellaneous No.M-11201 of 2023

Date of Decision: March 13, 2023

Kailash

..... PETITIONER(S)

VERSUS

State of Punjab

..... RESPONDENT(S)

. . .

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

. . .

PRESENT: - Mr. D.S. Malwai, Advocate for the petitioner.

Mr. Kunal Vinayak, AAG, Punjab.

. . .

Tribhuvan Dahiya, J (Oral)

This is a petition under Section 439 Cr.PC for grant of regular bail to the petitioner in case FIR No.07 dated 28.01.2023, under Sections 363, 366 IPC (Section 120-B IPC added later on), registered at Police Station Taragarh, Pathankot.

2. As per allegations in the FIR, recorded on the statement of Ranvir Singh, are that his eldest daughter, aged about 17 years, studying in 11th class went to school on 24.01.2023. When he went to bring her back, he came to know that she had already left the school by taking leave after second period. On further enquiry, he came to know that his daughter had been enticed away by the petitioner.

3. Learned counsel for the petitioner contends that the allegations are false, as the petitioner did not entice away the complainant's daughter; rather, he saved her from committing suicide as stated by her before the Magistrate while recording statement under Section 164 Cr.PC.

4. Learned State counsel, on instructions from ASI Satpal Singh, opposes the grant of bail on the ground that investigation of the case is still incomplete. He, however, does not deny that during investigation, statement of the victim was recorded under Section 164 Cr.PC, wherein she stated that the petitioner had not done anything wrong with her. She willingly accompanied him; and also, that she was saved from committing suicide by him. There is no other case against the petitioner.

5. In view of the facts aforestated, there are contradictory versions regarding the petitioner's role in commission of the alleged offences. Besides, statement of the victim under Section 164 Cr.PC already stands recorded wherein she has not implicated the petitioner. Nothing is to be recovered from him. He has no criminal antecedents either. Therefore, it is deemed appropriate to release the petitioner on bail.

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

(Tribhuvan Dahiya)
Judge

March 13, 2023
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No