

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

225

**CRM-M No. 11781 of 2023
Date of Decision :13.4.2023**

*Angrej Singh @ Mithu**..... Petitioner**versus**State of Punjab**..... Respondent***CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. Kushagra Mahajan, Advocate, for the petitioner
Mr. Harpreet Singh, Addl. AG, 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.201 dated 16.12.2022 under Sections 363 and 366 IPC, registered at Police Station Kamboj, District Amritsar.

2. Learned State counsel submits that offence under Section 120-B IPC has also been added in the challan presented against the petitioner, but the same has not been mentioned in the body of the petition.

3. It is ordered that offence under Section 120-B IPC shall be read into the petition.

4. As per allegations in the FIR, lodged on the statement of the victim's father, his family members went to sleep after taking meal on 15.12.2022 at night. The victim was also sleeping in a room there. When he woke up at about 4:00 a.m. and entered her room, she was not present. He tried to search his daughter but in vain. Later, he came to know that the petitioner had enticed her away, and everything had been done in connivance with the petitioner's mother, Harjit Kaur, who was aware about the incident and concealed everything from them.

5. Learned counsel for the petitioner contends that the victim, aged about sixteen years and four months, was known to the petitioner, who himself is a young boy of nineteen years. She went along with him willingly. Even in her statement recorded under Section 164 Cr.P.C., she has not supported the prosecution by stating that she left the house with the petitioner on her own on

15.12.2022 at night. They lived in a hotel in Haridwar for two days, and thereafter, came back. During that period, the petitioner did not commit any wrong act with her. A wrong case has been registered by her father against the petitioner. It is further submitted by the learned counsel that investigation in the case is already over and challan stands presented to the Court on 17.3.2023. The petitioner is in custody since 27.12.2022.

6. Learned State counsel, on instructions submits that the victim was a minor and the offences alleged against the petitioner are serious in nature. Charges are yet to be framed against him.

7. The submissions made by learned counsel for the parties have been considered.

8. The victim herself has not supported the prosecution version in her statement under Section 164 Cr.P.C. nor has she alleged that the petitioner committed any wrong act with her. Investigation of the case is already over and nothing is to be recovered from the petitioner. Therefore, no useful purpose will be served by confining him to custody any longer, as trial of the case will take long time to conclude.

9. In view thereof, the petition is allowed. The petitioner is ordered to be released on bail to the satisfaction of the trial Court/Duty Magistrate concerned.

(TRIBHUVAN DAHIYA)
JUDGE

13.4.2023

Ashwani

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No