

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

CRM-M-13102-2023

Date of Decision: 23.11.2023

SANDEEP RAM @ SETHI
V/S

... PETITIONER

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. KBS Mann, Advocate for the petitioner.
Mr. Hittan Nehra, Addl. A.G. Punjab.
* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 235 dated 21.09.2022 under Sections 363, 366-A IPC, registered at Police Station Lambi, District Sri Muktsar Sahib.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the FIR has been registered on the basis of the statement of the father of the victim, who is stated to be aged about 15 years alleging that on 19.09.2022, the victim had been kidnapped by the petitioner on the pretext of solemnizing marriage with her. It has been further submitted that the victim was recovered on 22.09.2022 and in her statement under Section 164 Cr.P.C. she has not imputed any allegation against the petitioner. However, during the course of trial, she has levelled allegations with regard to kidnapping as an improved version. She has not deposed anything with regard to sexual abuse. Even during the course of investigation, the victim has refused for medical examination.
4. Learned State counsel has opposed the bail application on the score that during the course of trial, the victim has attributed categoric and specific allegations against the petitioner with regard to kidnapping. Moreover, the victim was recovered on 22.09.2022 while she was in the company of the

petitioner from bus stand Lambi. Out of 13, 6 witnesses have been examined.

5. It is significant to note that during the course of her statement under Section 164 Cr.P.C., the victim had not attributed any allegation to the effect that any force, pressure, threat or allurement was exercised upon her by the petitioner. However, during the course of trial, the victim has imputed allegations of kidnapping against the petitioner. The evidentiary value of such a statement will be a debatable and moot point during the course of trial. The petitioner is in custody for a period of 1 year, 1 month and 29 days. The petitioner is involved in another case under Section 325 IPC but the said case pertains to the year 2019 and is stated to be on bail in that case. Still 7 witnesses remain to be examined. The statement of the victim during the course of trial has been recorded. As such, it cannot be said that the petitioner can exercise any influence or win over her. The conclusion of trial is likely to take some time and no fruitful purpose would be served by detaining the petitioner in further custody.

6. 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.

7. The petition is allowed.

23.11.2023

Janki

(VIVEK PURI)
JUDGE

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