

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

225

CRM-M-15708-2023

Date of Decision:-11.04.2023

WHASIK

.....Petitioner

Versus

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE ALOK JAIN

Present: Mr.Pardeep Sihmar, Advocate
for the petitioner

Mr.Arun Gupta, AAG Punjab
assisted by ASI Birinder Singh

ALOK JAIN, J. (Oral)

Prayer in the present petition is for grant of regular bail to the petitioner in case FIR No.61 dated 27.02.2023 under Sections 363 and 366-A of the IPC, registered at Police Station Dera Bassi, District SAS Nagar (Mohali).

Learned counsel for the petitioner has submitted that the petitioner was not named in the FIR and the same was only with regard to missing of the daughter of the complainant. Subsequently, the name of the petitioner was disclosed by the complainant, who is the mother of the girl, without any basis and subsequently, vide affidavit dated 06.03.2023, she again stated that the name of the petitioner had been given due to misunderstanding.

Learned State counsel has filed the custody certificate dated 10.04.2023, which is taken on record.

Heard learned counsel for the parties at length.

Although, it is a serious case where the complainant should be imposed with an exemplary costs and criminal proceedings should be initiated against her for lodging false complaint, making a false disclosure statement and finally getting a false affidavit executed on 06.03.2023. The dignity of the petitioner, who is young boy of 21 years old, has been hampered, which is a matter of serious concern. The petitioner has been put into custody and his fundamental right of having life and liberty has been curtailed by the irresponsible and callous act of the complainant. However, the said question is kept open.

Keeping in view the tender age of the petitioner and also the fact that the trial is likely to take long time, no useful purpose would be served by keeping the petitioner in custody, without commenting upon the merits, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and two surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned. He shall, however, be released on the following conditions:

1. The petitioner shall declare his ordinary place of residence and the mobile number used by him.
2. He will not switch off his mobile and in case of any technical glitch, he has to give an alternate number, which will be available in his absence.
3. He will mark his presence before the SHO concerned, after every 15 days and in case the SHO refuses to mark his presence, he is permitted to make an application before the Illaqa Magistrate, concerned.
4. He will not leave the country without the prior permission of the Court, for which he will submit the copy of his passport also.

The petitioner shall abide by the terms and conditions as imposed in addition to Section 439 of Cr.P.C.

However, nothing, stated above, shall be construed as a final expression of opinion on the merits of the case.

(ALOK JAIN)
JUDGE

11.04.2023

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Whether speaking/reasoned:- Yes/No
Whether Reportable:- Yes/No