

213

2023 : PHHC : 132114

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17125-2023

Date of Decision: 11.10.2023

SHATRUDHAN KUMAR @ SATURDEEN
V/S

... PETITIONER

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Ms. Eknoor Kaur Sara, Advocate for
Mr. Sandeep Kumar, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
* * *

VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 69 dated 22.02.2023 under Sections 363, 366-A IPC registered at Police Station Model Town, District Hoshiarpur.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that the allegations in the FIR are to the effect that the co-accused had enticed away the victim, who was aged about 17 years and her marriage was solemnized with co-accused Mohd. Mehtab. The allegations against the petitioner are only to the effect that he had uploaded the photographs of the minor victim and co-accused Mohd. Mehtab on the Facebook. Nothing objectionable has been depicted in the photographs. The petitioner is in custody for a period of 7 months and 20 days and not involved in any other case.
4. Learned State counsel submits that she does not intend to submit any reply in the matter. However, it has been submitted that the victim has been recovered on 01.08.2023 and she has not imputed any allegations against the petitioner. Moreover, it has also not been disputed

that the photographs allegedly uploaded by the petitioner did not contain any objectionable material. The investigation of the case is complete and challan has been presented in the Court.

5. The petitioner is in custody for a period of 7 months and 20 days. The victim has been recovered and in her statement under Section 164 Cr.P.C. she has not imputed any allegation against the petitioner. Even otherwise, the allegations with regard to kidnapping have been attributed against the co-accused. The allegations against the petitioner are with regard to uploading photographs of the victim and Mohd. Mehtab but significantly, such photographs do not contain any objectionable content. The custodial interrogation of the petitioner is over and challan has already been presented in the Court. 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.

11.10.2023

Janki

**(VIVEK PURI)
JUDGE**

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