

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

**CRM-M-19009-2023
Date of Decision: 31.10.2023**

VIKAS KASHWAHA**... PETITIONER****V/S****STATE OF PUNJAB****... RESPONDENT****CORAM: HON'BLE MR. JUSTICE VIVEK PURI**

Present: Mr. Sharad Mehra, Advocate for the petitioner.
Ms. Ruchika Sabherwal, DAG Punjab.
Mr. G.S.Bajwa, Advocate for the complainant.
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VIVEK PURI, J. (ORAL)

1. The petitioner is seeking regular bail in case bearing FIR No. 49 dated 30.04.2022 under Sections 363, 366-A IPC, registered at Police Station C-Division, District Amritsar.
2. Custody certificate has been taken on record.
3. Learned counsel for the petitioner contends that as per the allegations in the FIR, the victim who is aged about 15 years and 3 months went missing from the house on 29.04.2022. The FIR was lodged by the father of the victim and it was suspected that the petitioner in connivance with his parents had kidnapped the victim on the pretext of solemnizing marriage with her. In her statement under Section 164 Cr.P.C., she has not levelled any allegation of kidnapping against the petitioner. The parents of the petitioner have been granted pre-arrest bail by the learned trial Court. The statement of the victim in the trial Court has been recorded. The petitioner is in custody for a period of 10 months and not involved in any other case.
4. Learned State counsel has submitted that the victim was less than 18 years of age. In her statement under Section 164 Cr.P.C., she has not attributed any allegation of kidnapping against the petitioner, though, it has been stated that she has solemnized marriage with him. Out of 17, 3 witnesses

have been examined. Even the victim had refused for her medical examination.

5. It is significant to note that in her statement under Section 164 Cr.P.C., the victim has not attributed any allegation with regard to threat, pressure, force or allurement exercised upon her by the petitioner. Although, it has been submitted that the victim has solemnized marriage with the petitioner but the effect thereof will be a debatable and moot point during the course of trial. Even in the statement recorded during the course of trial, the victim has not attributed allegations qua kidnapping against the petitioner. The parents of the petitioner have been granted pre-arrest bail. The victim is stated to be presently residing in her parental house. The petitioner has undergone custody for a period of 10 months and not involved in any other case. Still 14 witnesses remain to be examined. The conclusion of trial is likely to take some more 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.

31.10.2023

Janki

**(VIVEK PURI)
JUDGE**

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