

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARHCRM-M 19647 of 2023
Date of decision: 26.07.2023.

Amrik Singh

.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Kanwal Singh Walia, Advocate for the petitioner.

Mr. Pankaj Khullar, AAG Punjab

Nidhi Gupta, J.

Petitioner Amrik Singh son of Harbhajan Singh has moved this first petition under Section 439 Cr.PC seeking regular bail during the pendency of trial in case FIR No.368 dated 14.12.2019 registered under Sections 363, 366-A IPC, at PS City Kapurthala.

The FIR in this case was registered on the statement of complainant Dharam Pal father of victim, which reads as under:-

“Statement of Dharam Pal son of Darshan Lal resident of Village Dhaliwal Dona Colony, P.S. Sadar, Kapurthala aged about 47 years, Mob. No. 99151-95226 stated that I am resident of above mentioned address and is working as a labourer and I have three daughter from them elder one is namely Monika whose date of birth is 06.02.2004 and younger to her namely Jasvir Kaur aged about 12 years and my younger daughter namely Rajni who is aged about 4 years and I have no son and my elder daughter namely Monika is

aged about 16 years who is getting study in class 10+1 at Govt. Senior Secondary School, Ghanta Ghar. In a daily routine I used to drop her in the school and on 10.12.2019 in the morning, I dropped her in the school and left from there. The school was closed at 03:00 PM and she would come to the house after 03:30 PM. On 10.12.2019, she did not come to the house upto 03:30 PM then I went to school but my daughter did not meet me, to whom we are searching her here and there till date by our own level but now I came to know that Amrik Singh son of Harbhajan Lal resident of Village Dhaliwal Dona Colony enticed away my daughter on the pretext of performing the marriage. Legal action be taken against them and my daughter be returned to me. I am the complainant, I have recorded my statement in the presence of my nephew namely Sandeep Singh son of Kulwinder Singh resident of Karhal Nau Abad. sd/- Dharam Pal sd/- Sandeep Singh, verified by Manjit Singh ASI, P.S. City Kapurthala dated 14.12.2019”.

Ld. counsel for the petitioner submits that petitioner has married the victim and a compromise has been entered into between the parties. Reference is made to Marriage Certificate dated 4.7.2022 (Annexure P-2). It is submitted that in view of these facts, regular bail be granted to the petitioner.

Custody certificate dated 25.7.2023 produced by ld. State counsel is taken on record.

Ld. State counsel though opposes the prayer for grant of regular bail, however, admits the fact that petitioner and victim have married and are living together. It is further admitted that the victim had not supported the prosecution case even in her statement recorded under Section 164 Cr.PC on 22.3.2023; and that she had also refused to undergo medical examination.

It is further submitted that challan was presented on 7.6.2023 and charges have been framed, however, no witness has been examined so far.

After hearing ld. counsel for the parties, without commenting on the merits of the matter, however, keeping in view the totality of the facts and circumstances of the case, and the fact that trial will take some time, and the fact that the petitioner is in custody since 20.3.2023, present petition is **allowed**. The petitioner is directed to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of CJM/Duty Magistrate concerned.

26.07.2023.
Joshi

(Nidhi Gupta)
Judge