

2023:PHHC:087476

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

CRM-M-19573-2023

Date of Decision: 13.07.2023

ABHI

... PETITIONER

VS.

STATE OF PUNJAB AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Karan Choudhary, Advocate
for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No. 155 dated 10.11.2022 under Sections 363 and 366 IPC registered at Police Station Sujanpur, District Pathankot.
2. Status report by way of affidavit of Rajinder Singh, Deputy Superintendent of Police, Sub-Division Dhar Kalan, District Pathankot and custody certificate have been placed on record.
3. Learned counsel for the petitioner contend that the FIR has been registered on the basis of statement of father of the victim alleging that the victim, who is aged about 17 years and 2 months, went missing from the house on 07.11.2022. In her statement under Section 164 Cr.P.C., the victim has not attributed any allegation against the petitioner and even refused to get herself medico-legally examined. The investigation of the case is complete and challan has been presented. Furthermore, an amicable settlement has also been effected between the parties. It has been settled that the marriage of the victim shall be solemnized with the petitioner after she attains age for valid marriage.

4. Learned State counsel has not disputed the fact that in her statement under Section 164 Cr.P.C., the victim has not imputed anything against the petitioner and she had refused to get herself medico-legally examined.

5. Custody certificate indicates that the petitioner is in custody for a period of 03 months and 17 days and not involved in any other case. In her statement recorded under Section 164 Cr.P.C., the victim has not attributed any allegation with regard to threat, pressure, influence or allurements exercised upon her by the petitioner. The victim had refused to get herself medico-legally examined. A compromise is also stated to have been effected wherein it has been settled that the marriage of the victim shall be solemnized with the petitioner after she attains age for valid marriage. The conclusion of trial is likely to take some time and no fruitful purpose will be served by detaining the petitioner in further custody.

6. In such circumstances, sufficient grounds are made out to extend the concession of bail to the petitioner. Accordingly, without making any observation on the merits of the case, the present petition is allowed and petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate.

13.07.2023
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(VIVEK PURI)
JUDGE

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