

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

214

**CRM-M No. 21957 of 2022
Date of Decision : 20.2.2023**

Dhiraj Das

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Yoginder Nagpal, Advocate, for the petitioner
Mr. Jashandeep Singh, AAG. Punjab

TRIBHUVAN DAHIYA J. (ORAL):

This is a petition under Section 439 Cr.P.C. seeking regular bail to the petitioner in case FIR No.6 dated 21.1.2022 under Sections 363 and 366-A IPC registered at Police Station Nayagaon, District Mohali.

The allegations against the petitioner as per the FIR, lodged on the complaint of the victim's father are that his eldest daughter, aged about 14 years, was enticed away by the petitioner on the pretext of getting married.

Learned counsel for the petitioner contended that the victim, in fact, willingly accompanied the petitioner, who was residing in the neighbourhood. She refused to get herself medically examined. The petitioner is in custody since 21.1.2022, and despite charges having been framed on 11.5.2022, none of the prosecution witnesses has been examined so far. The prosecution has availed nine opportunities for the purpose.

Learned State counsel, on instructions from ASI Dilbag Singh, is not in a position to dispute the facts aforestated. He does not deny that no other case is pending against the petitioner. The grant of bail is, however, opposed on the ground that trial is going on, and it is now fixed for 31.3.2023 for

examination of prosecution witnesses.

Culpability of the petitioner is a matter of trial which will take long time to conclude. Investigation in the case is already over and none of the prosecution witness has been examined despite several opportunities availed for the purpose. No purpose will be served to keep the petitioner in custody any further.

Accordingly, the petition is allowed. The petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

(TRIBHUVAN DAHIYA)
JUDGE

20.2.2023
Ashwani

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