

2023:PHHC:083021

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

CRM-M-29547-2023

Date of Decision: 03.07.2023

INDERJIT SINGH

... PETITIONER

VS.

STATE OF PUNJAB

.. RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : Mr. Kushagra Mahajan, Advocate, for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

1. The petitioner is seeking regular bail in the case bearing FIR No.9 dated 18.02.2023 under Sections 363 and 366-A IPC registered at Police Station Bhindi Saidan, District Amritsar.

2. Custody certificate has been placed on record.

3. Briefly, the FIR has been registered on the allegations that the petitioner had enticed away the victim, aged about 16 years and 07 months, on the pretext of marriage.

4. Learned counsel for the petitioner contends that in her statement under Section 164 Cr.P.C., the victim has stated that she has voluntarily accompanied the petitioner and the petitioner was not at fault. The investigation of the case is complete and challan has been presented. The petitioner is in custody for a period of 04 months and 08 days. Besides, the petitioner has also suffered paralytic stroke in the jail.

5. Learned State counsel has not disputed the fact that the victim has not levelled any specific allegation against the petitioner in her statement under Section 164 Cr.P.C. but has argued that her age was less than 18 years.

6. It is significant to note that in the statement under Section 164 Cr.P.C., the victim has not levelled any allegations of threat, pressure or allurement exercised upon her by the petitioner. The petitioner is in custody for a period of 04 months and 08 days and not involved in any other case. It has also not been disputed that the victim had refused to get her medico-legally examined. The petitioner is stated to be suffering from some health issues. The custodial interrogation of the petitioner is over and he has been remanded to judicial custody. The investigation of the case is complete, challan has been presented and conclusion of trial is likely to take some time. As such, no fruitful purpose will be served by detaining the petitioner in further custody.

7. 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.

03.07.2023
smriti

(VIVEK PURI)
JUDGE

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