

CRM-M-30684-2023
Date of decision: 06.07.2023

...PETITIONER

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Rahi Mehra, Advocate for the petitioner.

Ms. Ruchika Sabherwal, DAG, Punjab.

VIVEK PURI,J. (ORAL)

1. Custody certificate of the petitioner has been circulated today and the same is taken on record.
2. Lovepreet Singh-petitioner is seeking regular bail in the case bearing FIR No.201 dated 09.06.2022 under Sections 363/366-A IPC, registered at Police Goindwal Sahib, District Tarn Taran.
3. Learned counsel for the petitioner contends that the FIR was lodged by the father of the victim who is aged about 17 years and 07 months and has been kidnapped by the petitioner and his mother. It has been submitted that the mother of the petitioner is on bail. In the statement under Section 164 Cr.P.C, the victim has not attributed any allegation with regard to the kidnapping against the petitioner. Moreover, the victim has solemnized marriage with the petitioner and is in the advanced stage of pregnancy. She is presently residing with the mother of the petitioner. The petitioner is in custody for a period of about 06 months and is not involved in any other case.
4. Learned State counsel has not disputed the fact that the victim is in the

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advanced stage of pregnancy. However, it has been submitted that she was aged less than 18 years at the time of occurrence. It has also been submitted that the charge has been framed under Section 363/366-A IPC and till date no witness has been examined. Even, the victim had refused to get herself medico legally examined.

5. It is significant to note that in the statement under Section 164 Cr.P.C, the victim had not levelled any allegation against the petitioner. She has not uttered any word to indicate that the petitioner had exercised any pressure, threat, influence upon her or allured her to accompany him. The victim is stated to be presently residing in the house of the petitioner with his mother. She is stated to be in the advanced stage of pregnancy and till date, out of 16, no witness has been examined. The petitioner is in custody for a period of about 06 months and is not involved in any other case. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

6. Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on his furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

7. The petition is allowed accordingly.

06.07.2023
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(VIVEK PURI)
JUDGE

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